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OF THE
NINTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA,

BEGUN AND HELD AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE
THIRD DAY OF JANUARY, A. D. 1876, AND CONCLUDED ON THE
ELEVENTH DAY OF FEBRUARY, A. D. 1876.

PUBLISHED BY AUTHORITY.

"HELENA WEEKLY AND DAILY HERALD,"
HELENA, MONTANA.
R. E. FISK, PUBLIC PRINTER.
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COUNCIL JOURNAL

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IN THE SENATE

LEGISLATIVE ASSEMBLY

Day, Egbert, & Fidler,
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Davenport, Iowa.

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NINTH LEGISLATIVE ASSEMBLY.

COUNCIL JOURNAL.

FIRST DAY.

COUNCIL CHAMBER, }
HELENA, Jan. 3, 1876. }

Pursuant to law the Council of the 9th Legislative Assembly of the Territory of Montana was called to order by James E. Callaway, Secretary of Montana, at 12 o'clock, m. on Monday, the 3d day of January, 1876, at the Council Chamber, in Helena. The following named gentlemen appeared and answered to their names :

Abascal, J., Deer Lodge.

Allebaugh, John, Madison.

Brown, Asa A., Deer Lodge.

Bass, W. E., Missoula.

Cullen, W. E., Lewis and Clarke.

Constans, Phillip, Lewis and Clarke.

Cardwell, Edward, Jefferson.

Graham, William, Deer Lodge and Missoula.

Hays, W. O. P., Gallatin.

Hornbuckle, James, Meagher and Choteau.

Lewis, I. I., Jefferson and Gallatin.

Tatem, B. H., Lewis and Clarke.

Watson, Thomas, Madison and Beaver Head.

On motion of W. E. Cullen, Thomas Watson was elected President, *pro tem.*

On motion of Mr. Brown, Harry R. Comly was elected Chief Clerk, *pro tem.*

On motion of Mr. Brown, Otis Strickland was elected Sergeant-at-Arms, *pro tem.*

On motion of Mr. Cullen, the Chair appointed Messrs. Cullen, Brown, and Tatem a Committee on Credentials.

On motion of Mr. Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Mr. President, *pro tem.* in the Chair.

Roll called—all present.

Mr. Cullen, Chairman of Committee on Credentials, made the following report:

We, your Committee on Credentials, would respectfully report that we find the following named gentlemen to be entitled to seats in the Council as councilmen from the several council districts:

Beaverhead County—Thomas Watson.

Madison County—John B. Allebaugh.

Gallatin County—W. O. P. Hays.

Gallatin and Jefferson Counties (joint)—I. I. Lewis.

Jefferson County—Edward Cardwell.

Meagher and Chouteau Counties—James Hornbuckle.

Lewis and Clarke County—R. H. Tatem, Phillip Constans and W. E. Cullen.

Deer Lodge County—Joaquin Abascal and Asa A. Brown.

Deer Lodge and Missoula Counties (joint)—William Graham.

Missoula County—W. E. Bass.

All of which is respectfully submitted.

W. E. CULLEN, *Chairman*.

On motion of Mr. Brown, the report was received, adopted, and the Committee discharged.

On motion of Mr. Cullen, a committee of three, consisting of Messrs. Cullen, Lewis, and Allebaugh, was appointed to request the Chief Justice or the Secretary of the Territory to administer to the members the oath of office.

On motion of Mr. Brown, the rules of the Council for the Eighth Session of the Legislative Assembly were temporarily adopted as the rules of this body.

The Committee appointed to request the Chief Justice or Secretary to administer the oath of office, returned and introduced Hon. D. S. Wade, Chief Justice, who, by request of the President, administered the following oath of office to the members subscribed thereunder:

“You, and each of you, do solemnly swear that you will support the Constitution of the United States and the Organic Act of the Territory of Montana, and faithfully discharge your duties as members of the Legislative Council of Montana.”

Edward Cardwell, James Hornbuckle, B. H. Tatem, Philip Constans, W. E. Cullen, Joaquin Abascal, Asa A. Brown, William Graham, W. E. Bass, Thomas Watson, John B. Allebaugh, W. O. P. Hays, I. I. Lewis.

On motion of Brown, the committee was discharged and the Council tendered a vote of thanks to the Hon. Chief Justice for his courtesy in administering the oath of office.

On motion of Cullen, the Council proceeded to permanently organize.

The Chair announced that nominations for permanent President were in order.

Mr. Tatem nominated Asa A. Brown, and there being no further nominations, on motion of Cullen, Asa A. Brown was unanimously elected by acclamation, and was declared permanent President by the President *pro tem*.

The President *pro tem* then appointed Messrs. Cullen and Graham to conduct the newly elected President to the chair.

On assuming the position the President returned thanks for the honor conferred.

Mr. Watson moved that the Council proceed to the election of Chief Clerk, which motion was adopted.

Mr. Cullen nominated Harry R. Comly, and there being no other nominations, on motion of Mr. Cullen, he was declared elected by acclamation.

Nominations for Assistant Clerk being in order, Mr. Cullen nominated G. E. Watson, and there being no other nominations, he was declared unanimously elected by acclamation.

Nominations for Engrossing Clerk being in order, Mr. Hays nominated Henry C. Wilkinson, and there being no other nominations, on motion he was declared unanimously elected by acclamation.

Nominations for Enrolling Clerk being in order, Mr. Cardwell nominated Patrick Talent, and Mr. Tatem nominated George D. C. Hibbs.

On motion of Mr. Lewis, the roll was called, and Patrick Talent received nine votes, and George D. C. Hibbs four votes.

The Chair announced that Patrick Talent, having received a majority of all the votes cast, he is declared duly elected Enrolling Clerk of the Council.

Nominations being in order for Sergeant-at-Arms, Mr. Watson nominated Otis Strickland, and Cardwell nominated D. O. Holt.

On motion of Watson, the roll was called, and Strickland received ten votes, and Holt received three votes.

The Chair announced that Otis Strickland, having received the majority of all the votes cast, he is declared duly elected Sergeant-at-Arms.

Nominations for Door Keeper being in order, P. H. Maloney was placed in nomination, and there being no other nominations, on motion of Watson, he was declared unanimously elected by acclamation.

Nominations being in order for Watchman, Bass nominated James Dixson, and there being no other nominations, on motion of Lewis, he was declared unanimously elected by acclamation.

Nominations for Messenger being in order, Geo. J. Lewis, Benny Roberts, and A. J. Williams were placed in nomination.

On motion of Watson the roll was called, and Williams received one vote, Lewis eight, and Roberts four, whereupon the President declared Geo. J. Lewis duly elected Messenger.

Watson moved to appoint a committee of two to inform the House of Representatives that the Council was duly organized and ready to proceed to business.

The President appointed Messrs. Cullen and Graham such committee.

On motion of Tatem, the Council took a recess of ten minutes.

Council resumed—The President in the chair.

Roll called—quorum present.

The President then administered the oath of office to the officers elect, except James Dixon, Watchman, who was absent.

The committee appointed to inform the House of the organization of the Council, reported that they had performed that duty.

On motion of Watson the Chair appointed Messrs. Watson, Cullen, and Tatem a committee to draft rules for the government of the Council.

On motion of Cullen, the Council adjourned until to-morrow morning at 10 o'clock.

I hereby certify the foregoing to be a correct copy of the proceedings of the Council for the first day.

HARRY R. COMLY.

Chief Clerk.

SECOND DAY.

HELENA, Jan. 4, 1876.

Council met at 10 A. M.—Mr. President in the Chair.

Roll called—all present.

Journal of yesterday read and approved.

James Dixon was then by the President sworn in as Watchman of the County.

The Committee on Rules then made the following report :

Your Committee on Rules recommend that the Council adopt the rules of the Council of the fifth session of the Legislative Assembly, with the following amendments :

Section 2. After the word "quorum," in first line, insert as follows: "which shall consist of a majority of the whole number of members."

Section 20. At the end of the section add: "And the question shall be, 'Shall the decision of the Chair be sustained?'"

Section 31. In second line strike out word "Council" and insert "House."

Section 38. In first line strike out "five" and insert "three." After No. 13, insert No. 14, Immigration; No. 15, Roads and Highways; No. 16, Engrossment; No. 17, Enrollment; No. 18, Printing.

Section 13. Strike out No. 13 and insert as follows: "The previous question shall be in this form: Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first, upon the amendments reported by a committee, if any; second, upon pending amendments; third, upon the main question. On a motion for the previous question, and prior to the vote being taken thereon, one call of the Council shall be in order; but after a majority shall have voted in favor of such motion no call shall be in order prior to a decision of the main question."

All of which is respectfully submitted.

T. WATSON, *Chairman.*

Communication from the House was received through the Hon. W. F. Sanders, Chairman of Special Committee from the House, that the House of Representatives was duly organized by the election of officers to wit: S. W. Langhorne, Speaker; A. H. Barret, Chief Clerk, etc.

On motion of Cullen, the report of the Committee on Rules was accepted and the committee discharged.

The rules were then read as proposed to be amended, and, on motion of Cullen, the rules so amended as proposed by the Committee were adopted as a whole.

The Clerk was directed to hand the rules to the Committee on Printing for the purpose of having a sufficient number of copies printed.

On motion of Cullen, the Chair appointed Messrs Cullen and Tatem a committee to act in conjunction with a like committee from the House to report joint rules for the government of both Houses.

On motion of Watson, Messrs. Watson and Cardwell were appointed a Committee to wait upon the Governor in conjunction with the Committee from the House, and to inform him that the Legislative Assembly were ready to receive any communication he might be pleased to make.

On motion of Cullen, the Chief Clerk was instructed to inform the House that the Council would meet the House at the hall of the House in joint covention at half past 2 p. m. for the purpose of receiving the Governor's message.

Mr. Bass gave notice of the introduction of a bill entitled "An Act relative to Public Printing."

Hornbuckle offered the following resolution :

Resolved, That the Sergeant-at-Arms of the Council be required to furnish each member of this body with four copies of the daily papers, such as members may select.

Cullen moved to strike out the words "Sergeant-at-Arms" and insert "Secretary of Montana," which amendments were adopted.

Lewis moved to strike out the words "of the Council," and also, to strike out the word "required" and insert "requested," which amendments were adopted.

On motion of Tatem, the resolution as amended was adopted.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.

Roll called—all present.

Mr. Watson, from the committee to communicate with the Governor, made the following report :

MR. PRESIDENT—Your Committee to act in concert with a similar committee on the part of the House to wait upon the Governor and inform him that the Council and House have been duly organized and ready to receive any communication he may be pleased to make, beg leave to report that they have discharged their duty, and have been instructed by the Governor to inform you that he will communicate to the Legislature by message at half past two o'clock this afternoon.

All of which is respectfully submitted.

THOMAS WATSON, *Chairman.*

On motion the report was received and the committee discharged.

A communication from the Governor was received informing the Council that he has appointed Thomas A. Cummings, Esq., his private secretary.

A communication from the Governor, through his private secretary, was received, transmitting to the Council his biennial message.

Mr. Tatem moved to rescind the resolution to meet the House in joint session at 2½ o'clock P. M., which motion was adopted.

On motion of Tatem, a committee of two was appointed to inform the House of this action.

The message of the Governor was then read by the Chief Clerk.

On motion of Cullen, the further consideration of the message was postponed until to-morrow.

The committee to inform the House of the rescinding of the resolution to meet in joint session, reported they had performed that duty, and, on motion, was discharged.

Abascal introduced the following :

Resolved, By the Council that the Secretary of Montana be requested to have another window put in the Council Chamber on the west side thereof, at the most convenient place, in order to furnish light sufficient for the Council Chamber.

On motion of Cullen, the resolution was adopted.

The following communication was received from the House :

MR. PRESIDENT—I am instructed by the House to inform your honorable body that a committee of three from the House, has been appointed to act with a like committee from the Council, to prepare joint rules for the government of the two Houses. Messrs. Word, Sanders, and Curtis compose the House committee.

Respectfully,

A. H. BARRET,
Chief Clerk.

On motion of Tatem, the Chair appointed Bass as an additional member of the Committee on Joint Rules.

On motion of Watson, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

THIRD DAY.

COUNCIL CHAMBER, }
HELENA, Jan. 5, 1876. }

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The President then appointed the following Standing Committees :

Ways and Means—Watson, Bass, and Tatem.

Judiciary—Cullen, Cardwell, and Lewis.

Internal Improvements—Lewis, Abascal, and Hornbuckle.

Public Lands—Hays, Allebaugh, and Bass.

Federal Relations—Tatem, Graham, and Cullen.

Education—Graham, Constans, and Watson.

Towns and Counties—Abascal, Tatem, and Allebaugh.

Military Affairs—Allebaugh, Abascal, and Graham.

Incorporations—Constans, Cardwell, and Abascal.

Agriculture and Manufactures—Bass, Hays, and Hornbuckle.

Elections—Cardwell, Watson, and Cullen.

Indian Affairs—Abascal, Tatem, and Graham.

Mines and Minerals—Hornbuckle, Lewis, and Cardwell.

Immigration—Hornbuckle, Hays, and Constans.

Roads and Highways—Bass, Hornbuckle, and Abascal.
Engrossment—Lewis, Watson, and Hays.
Enrollment—Tatem, Graham, and Lewis.
Printing—Graham, Cullen, and Bass.

On motion of Hays, the Printing Committee were directed to have fifty copies of the Order of Business printed on heavy card board, and one hundred copies of the List of Standing Committees printed on heavy card board.

On motion of Tatem, the reporters of the press of Montana were assigned seats upon the floor of the Council Chamber for the purpose of reportings its proceedings.

Notices of the introduction of the following bills were given :

By Hornbuckle: A Bill for the purpose of consolidating the county offices of Meagher county.

By Cullen; A Bill for an act entitled an act to repeal certain provisions relative to security for costs in civil actions.

By Hays: A Bill relative to butchery.

By Cardwell: A Bill for an act entitled an act to amend an act of section 14, chapter 21 of the Codified Statutes of Montana, in relation to the powers of county commissioners.

Bass introduced C. B. No. 1, An Act relative to public printing, which was read first and second times.

On motion of Hays, the rules were suspended and the bill read a third time by title.

Watson moved to reconsider the vote by which C. B. No. 1 was ordered to be read a third time by title, which motion was carried, and the bill read a third time at length.

The roll being called, C. B. No. 1 was passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Hays, by leave, introduced C. B. No. 2, An Act to require butchers and slaughterers to give bonds and to keep a record of the animals purchased and slaughtered by them.

C. B. No. 2 was read the first and second times, and referred to the Committee on Printing.

On motion of Cullen, all that portion of the Governor's message relative to the financial condition of the Territory, the support of the insane, the bonded debt of the Territory, taxation and collection of revenue, and increase of license tax, was referred to the Committee on Ways and Means.

Cullen moved to refer to the Committee on Election all of the following portion of the Governor's message, to-wit: Relative to the sale of liquor on election days, and congressional and county elections.

Watson moved to amend by referring that part relative to the sale of liquor to the Committee on Judiciary.

The ayes and nays being demanded on the amendment, it was lost by the following vote:

Ayes—Messrs. Abascal, Allebaugh, Bass, Hornbuckle, Tatem, and Watson—6.

Nays—Messrs. Cardwell, Constans, Cullen, Graham, Hays, Lewis and Mr. President—7.

Whereupon the original motion, as made by Cullen, was adopted.

Cullen moved to refer the other portions of the Governor's message as follows :

All that part relative to the Territorial penitentiary, to the Committee on Federal Relations.

All that part relative to the improvement of the navigable rivers of the Territory, to the Committee on Internal Improvements.

All that portion relative to school matters, to the Committee on Education.

All that portion relative to railroad matters, to the Committee on Roads and Highways.

Which motions being severally put, were adopted.

On motion of Tatem, so much of the Governor's message as refers to the Territorial Law Library, notaries public, and amending the civil and criminal code, was referred to the Judiciary Committee.

Lewis introduced and moved the adoption of the following resolution :

Resolved, That the Council proceed to the election of a Chaplain.

Cullen moved to amend by adding the following : " Provided his services can be obtained without compensation."

Lewis, with the consent of his second, accepted Cullen's amendment.

Watson moved to lay the resolution on the table, which motion prevailed, and the resolution ordered to lie on the table.

On motion of Watson, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

FOURTH DAY.

HELENA, January 6, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Journal of yesterday read and approved.

Graham, from the Committee on Printing, reported as follows :

MR. PRESIDENT—Your Committee reports that the Secretary will have printed during the day the rules, etc., handed to him yesterday.

W. GRAHAM, *Chairman*.

On motion the report was received.

Cullen, from the Committee on Joint Rules, made the following report :

MR. PRESIDENT—Your committee appointed to confer with a like committee of the House to report joint rules for the government of the two Houses, would respectfully report that they have conferred with the House committee, and that it has been agreed by said committee to report the joint rules adopted by the fifth session of the Legislative Assembly of the Territory of Montana, with the following amendment, to-wit : Add to rule 3 the words, "or Sergeant-at-Arms;" and to recommend the adoption of the rules as so amended.

W. E. CULLEN, *Chairman*.

On motion of Watson, the report was received and adopted, and the committee discharged.

On motion of Cullen, the amendments adopted were referred to the Printing Committee.

Notice of the introduction of the following bills was given :

By Hornbuckle: A Bill regulating the location and representation of water rights in the Territory of Montana.

By Hays: A Bill to repeal an act concerning the management of live stock, and the better to protect the interests of stock growers in the Territory of Montana; approved February 13th, 1874.

Cullen introduced C. B. No. 3, An Act to repeal certain provisions relative to security for costs in civil actions.

C. B. No. 3 was read the first and second times and referred to the Committee on Judiciary.

Hornbuckle introduced the following resolution :

Resolved, By the Council, the House concurring, that the Sergeant-at-Arms of the respective houses be required to furnish to each member of the Legislative Assembly three copies of a daily newspaper and three copies of a weekly newspaper, to be by the said members respectively selected from the papers published in this Territory.

Cullen moved to strike out the words, "three copies of a weekly newspaper," and insert "two copies of a weekly newspaper."

On motion of Watson, the resolution and amendment were laid on the table.

Cullen presented, on behalf of the Governor, the following, to-wit :

Report of Directors of Territorial Penitentiary.

Report of Territorial Superintendent of Public Instruction.

Report of the Historical Society.

Report of the Judges relative to Territorial Law Library.

On motion of Watson, the report of the directors of the Territorial penitentiary was read, and, on motion of Cullen, referred to the Committee on Federal Relations.

On motion of Cullen, the report of the Superintendent of Public Instruction was referred to the Committee on Education.

On motion of Lewis, the resolution to elect a Chaplain was taken from the table.

Tatem offered the following as a substitute :

Resolved, That the chief clerk of the Council be directed to request the voluntary services of the clergymen of the various denominations in this place to officiate as chaplain to this body at the opening of the daily sessions, by such arrangement as may be most convenient to them.

Ayes and nays being demanded on the adoption of the substitute, the roll was called, and resulted as follows :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Tatem, Watson—11.

Nays—Lewis and Mr. President—2.

And the substitute was adopted as the original resolution.

The ayes and nays being demanded on the original resolution, as amended by the substitute, the roll was called and resulted as follows :

Ayes—Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Tatem, and Watson—9.

Nays—Abascal, Hornbuckle, Lewis, and Mr. President—4.

Graham introduced the following resolution :

Resolved, That the Secretary of the Territory be requested to inform the Council what printing and the amount thereof he is authorized to have executed for the Legislative Assembly at the expense of the United States.

On motion of Cullen, the resolution was adopted.

On motion of Cullen, the report of the Historical Society was read and referred to the Committee on Education.

The report of the Judges relative to the Territorial Law Library was referred to the Judiciary Committee.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
Jan. 6th, 1876.

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House have amended rule 8 of joint rules reported by joint committee, striking out the words, “And forthwith presented to the Governor for his signature after receiving his approval,” where they consecutively occur.

That Mr. Sanders gave notice of an act to define and punish certain offences therein named.

By Mr. Curtis: An Act to amend section 26 of an act relative to roads and highways.

Respectfully,

A. H. BARRET, *Chief Clerk*.

Cullen moved that the Council concur in the amendments of the House to the joint rules.

On motion of Tatem, the motion of Cullen and the communication were laid on the table.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Mr. President in the Chair.

Roll called—all present.

A communication from the Governor making certain nominations having been received, on motion of Mr. Cullen, the Council went into executive session.

Council resumed.

Watson offered the following:

Resolved, By the Council that the Secretary of the Territory be requested to have four hundred copies of the Governor's message printed for the use of the Council.

Cullen moved to strike out 400 and insert 200.

Lewis moved to insert 150 instead of 200.

On motion of Tatem, the resolution and proposed amendments were laid on the table by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Tatem, and Mr. President—11.

Nays—Hornbuckle and Watson—2.

The following communication was received from the Secretary of the Territory:

SECRETARY'S OFFICE,
TERRITORY OF MONTANA,
HELENA, Jan. 5, 1876. }

To the Territorial Council :

GENTLEMEN—In reply to your resolution of the 4th instant, requesting the Secretary of the Territory to furnish each member of your honorable body with four daily papers, I have the honor most respectfully to state that I am not authorized to incur such an expenditure. For further information on this subject I respectfully refer you to a report of a special committee of the House of Representatives at the 8th Legislative Session of Montana, on page 18 of the House Journal of said session.

Your Obedient Servant,

J. E. CALLAWAY,
Secretary.

On motion of Cullen, the House amendment to rule 8 of joint rules was taken from the table and concurred in by the Council by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

On motion of Hornbuckle, the Council adjourned until 10 o'clock A. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

FIFTH DAY.

HELENA, January 7, 1876.

Council met pursuant to adjournment, at 10 o'clock A. M.,
Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Notice of the following bills was given :

By Bass: An Act to amend section 3 of an act providing for the collection of revenue, of chapter 85 on pages 601 and 602 of the codified statutes, passed at the seventh session of the Legislative Assembly of the Territory of Montana.

By Cullen: An Act to repeal Chapter 80 of the compiled statutes of the Territory of Montana.

Hays introduced C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved Feb. 13th, 1874.

Read first and second times, and, on motion of Cullen, referred to Committee on Agriculture and Manufactures.

Cardwell introduced C. B. No. 5, An Act to amend section 14, chapter 21 of codified statutes of Montana.

C. B. No. 5 was read the first and second times, and on motion of Cullen, referred to Committee on Towns and Counties.

Tatem moved that the resolution relating to the Governor's message, tabled yesterday, be now taken from the table. Motion adopted.

Question being put upon the amendment to the amendment, it was lost.

The original amendment was then adopted, and the resolution as amended adopted.

On motion of Hornbuckle, the Council took a recess until 3 o'clock P. M.

3 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 7, 1875. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following bills have been introduced in the House :

By Curtis: H. B. No. 1, An Act to amend an act relative to roads and highways, approved Feb. 12th, 1874.

That notices of the introduction of bills were given as follows, to-wit :

By Word: An Act to authorize the funding of the debt of Madison county.

By Moore, of Gallatin: An Act for the better protection of the interest of stock growers.

By Mead: A Bill to amend the apportionment law of Montana.

By Rotwitt: A Bill in regard to the taxation of church property.

Also, A Bill for the suppression of the sale or giving away of intoxicating liquors on election day.

By McCormick: A Bill to amend the election law.

By Brooke: A Bill for an act amendatory of an act entitled an act concerning the management of live stock, and the better to protect the interests of stock growers in the Territory of Montana, approved February 13th, 1874.

Respectfully,

A. H. BARRET,

Chief Clerk.

On motion of Bass, the Council took a recess until 6 o'clock P. M.

6 P. M.—Council resumed, Mr. President in the chair.

Roll called—quorum present.

The President announced that he had appointed Messrs. Tatem and Lewis on the Joint Committee on Enrollment.

Graham, from the Committee on Education, reported back to the Council the report of the Historical Society, and recommended that it be referred to the Committee on Printing.

On motion of Watson, the report was received, and the report of the Historical Society referred to the Committee on Printing.

A communication from the House through A. H. Barrett, Chief Clerk, was received, informing the Council that Council Bill No. 1, An Act relative to public printing, has passed the House.

Council Bill No. 1 was referred to the Enrolling Committee, and ordered enrolled.

On motion of Watson, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

SIXTH DAY.

COUNCIL CHAMBER, }
HELENA, Jan. 8, 1876. }

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—quorum present.

Absent—Mr. Cullen.

Journal of yesterday read and approved.

Mr. Bass, from the Printing Committee, reported C. B. No. 2 correctly printed.

Mr. Graham, from the Committee on Education, reported the report of the Superintendent of Public Instruction back to the Council, and recommended that it be referred to the Committee on Printing.

Report received, and the report of the Superintendent of Public Instruction referred to the Committee on Printing, and ordered printed.

The following notices were given :

By Mr. Bass: A Bill to amend section 13, chapter 21, page 435, of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

By Tatem: An Act entitled an act to amend an act entitled notaries public, page, 527 *et seq.*, Codified Statutes.

By Tatem: An Act to prevent the slaughtering of diseased animals.

Bass introduced C. B. No. 6, An Act to amend section 3 of an act providing for the collection of revenue of chapter 85, on pages 601 and 602 of the Codified Statutes, passed at the seventh session of the Legislative Assembly of the Territory of Montana.

C. B. No. 6 was read first and second times, and, on motion of Tatem, referred to a Special Committee consisting of Messrs. Tatem, Bass, and Abascal.

On motion of Abascal, C. B. No. 2 was referred to the Committee on Agriculture and Manufactures.

The following communication was received:

HELENA, MON., Jan. 8, 1876.

To the Honorable President of the Council:

SIR—At the annual meeting of the Helena Library Association, held December 25, 1875, the following resolution was unanimously adopted:

Resolved, That the members and officers of the Legislative Assembly, and the Justices of the Supreme Court, while in session, are invited to avail themselves of the privileges of the Helena Library freely.

The reading room of the Association, in the *Herald* building, Broadway, is open from 2 to 4 o'clock P. M., and from 7 to 9 o'clock P. M., each day, except Sundays, when it is open only from 1 to 2 P. M. Unexpected absence from the city has

prevented an earlier announcement of the invitation, which is herewith extended.

I have the honor to be,

Very respectfully,

MASENA BALLARD,

Secretary H. L. A.

On motion of Tatem, the communication was ordered to be spread upon the journal and a vote of thanks tendered the Helena Library Association, and further, that the same be communicated by the chief clerk to the Helena Library Association.

Communications from Revs. E. L. Toy, L. Palladino, and W. C. Rommel, were received, and, on motion, laid on the table until Monday, January 10.

The following communication was received from Rev. W. Harris, and, on motion of Tatem, was ordered to be spread upon the minutes:

HELENA, M. T., Jan. 7, 1876.

H. R. Comly, Chief Clerk of the Council:

DEAR SIR—Your communication of the 6th inst. is at hand. You are aware that I am engaged as chaplain of the House of Representatives, and consequently cannot serve you; but I do most heartily commend to you and honorable body my brethren in the ministry in Helena, who will most kindly serve you, and with whom I am sure you will be pleased. Praying the blessings of God upon you and yours, I am dear sir, and honorable gentlemen of the Council,

Very respectfully,

W. HARRIS.

On motion of Abascal, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Roll called—absent, Hornbuckle.

The following communication was received from the Secretary of Montana:

SECRETARY'S OFFICE,
TERRITORY OF MONTANA,
HELENA, Jan. 7, 1876. }

To the Honorable, the Legislative Council:

GENTLEMEN—I have the honor to acknowledge the receipt of the following resolution:

Resolved, That the Secretary of the Territory be requested to inform the Council what printing and the amount thereof he is authorized to have executed for the Legislative Assembly, at the expense of the United States.

In answer thereto, I beg to call your attention to the following contract in relation to printing:

SECRETARY'S OFFICE,
TERRITORY OF MONTANA,
HELENA, Dec. 20, 1875. }

In pursuance of the authority invested in me by law, by virtue of the instructions of the treasury department of the United States, I hereby designate Robert E. Fisk, Esq., of the Helena *Herald*, as public printer, to publish all the laws and journals of the ninth Legislative Assembly of the Territory of Montana. Also, to execute all the incidental printing (including the Governor's message) that I may order to be done. All of said printing shall be done and executed according to the rules established and the rates fixed by the treasury department. Such incidental printing shall be done with promptness and despatch. The number of copies of the laws and journals to be published and the styles of binding the same shall be as now prescribed by the treasury department.

The laws shall be delivered for distribution at the Secretary's office in Helena, on or before the first day of June, A. D. 1876.

The journals shall be delivered on or before the first day of July, A. D. 1876.

The incidental printing to be delivered promptly as executed. The Secretary agrees to furnish the said public printer complete copies of all of said laws that may be passed at said session, on or before the 22d day of February, A. D. 1876, and the journals of said session, of each house, on or before the first day of March, A. D. 1876.

J. E. CALLAWAY,
Secretary of Montana.

I hereby accept the appointment as above made and obligate myself to faithfully discharge the duties thereof in obedience to the foregoing requirements.

ROBERT E. FISK.

The theory of the organic act and of the legislation of Congress on the subject of printing in the Territory is, that the United States will pay for the publication in book form of a sufficient number of the laws and journals of each session for the use of the public, to the extent that all public officers and the people may know the law, and for exchange with the several States and Territories and to supply certain officers named in the organic act; also, that the United States will pay for all necessary legislative printing with the view of facilitating the business of the Territorial Legislature, and to aid the members thereof to discharge their duties intelligently; and, further, that no part of the legislative printing shall be paid for by the Territory.

The printing authorized to be done by my order and paid for by the United States, embraces one thousand copies of the laws, and copies of the journals in book form; a reasonable number of the Governor's message and the Territorial Auditor's and Treasurer's reports for the use of public officers, and a sufficient number of copies of each bill introduced of a general nature for the use of the members of the two Houses. The treasury department has established rules and fixed the rate for all such printing from which no deviation can be

made by the Secretary of the Territory or by the printer executing the work. All the printing done by order of the Secretary is measured at the treasury department under the rules made by the treasury department.

The amount that is paid for printing by the Secretary of the Territory is the amount allowed after measurement at the treasury department, guided by fixed rates as above stated. I will further state that of the incidental printing for the use of the Legislature (in addition to what I have already ordered printed) I will have printed a sufficient number of bills of a general nature for the use of the members of both Houses, and for the use of the Governor of the Territory. I do not, for any purpose whatever, handle one cent of Territorial funds, and the Territory of Montana will not be at any expense whatever for any printing that I have ordered or may hereafter order to be executed. I have the honor to be,

Your Ob't Servant,

J. E. CALLAWAY,
Secretary Montana Territory.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 8, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House appointed Messrs. Carmichael and Burkett a joint enrolling committee; that notices of bills were given as follows :

By Mr. Reed : An Act in relation to water ditches.

By Mr. Sanders : An Act relative to the admission of attorneys at law; also, an act relative to costs in civil actions; an act relative to limitations of actions; also, an act in relation to executors and administrators; also, an act concerning affidavits; also, an act concerning dower; also, an act concerning ingclaim and delivery of personal property; also, an act in rela-

tion to records ; also, an act to reduce the public expenses in the item of printing.

That Mr. Brooke introduced H. B. No. 2, An Act entitled an act to amend a bill for an act concerning the management of live stock and the better to protect the interests of stock growers in the Territory of Montana, approved February 13, 1874.

By Mr. Sanders: H. B. No. 3, A Bill for an act concerning claim and delivery of personal property.

Also, H. B. No. 4, A Bill for an act relating to limitations of actions.

Also, H. B. No. 5, A Bill for an act relating to costs in civil cases.

Also, H. B. No. 6, A Bill for an act concerning affidavits.

Also, H. B. No. 7, A Bill for an act concerning dower.

Also, H. B. No. 8, A Bill for an act in relation to executors and administrators.

Also, H. B. No. 9, A Bill for an act relative to records.

Also, H. B. No. 10, A Bill for an act relative to the admission of attorneys at law.

Respectfully,

A. H. BARRET,
Chief Clerk.

On motion of Cardwell, the Council adjourned until Monday morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

EIGHTH DAY.

COUNCIL CHAMBER, }
HELENA, Jan. 10, 1876. }

Council met pursuant to adjournment at 10 o'clock A. M.,
Mr. President in the chair.

Roll called—all present.

Journal of Saturday read, corrected and approved.

Abascal presented a petition of attorneys at law of the second judicial district praying that the salary of district attorneys be increased to the same amount as it existed prior to 1873.

Tatem made report on C. B. No. 6, as follows:

MR. PRESIDENT—Your Special Committee to whom was referred C. B. No. 6, would report the same back to the Council, with a recommendation that it be referred to the Committee on Printing and ordered to be printed.

TATEM, *Chairman.*

On motion of Watson, C. B. No. 6 was referred to the Printing Committee and ordered printed.

Notices of the introduction of bills:

By Allebaugh: A Bill to amend section 286 of the criminal practice act; also, A Bill for taxing jury fees.

By Hays: A Bill to prevent the sale of spirituous liquors on the Sababth and election days.

Bass introduced C. B. No. 7, An Act to amend section 13, chapter 21 of the general and miscellaneous laws, approved January 12, 1872.

C. B. No. 7 was read first and second times and referred to the Committee on Ways and Means.

Hays introduced the following resolution, which, on motion of Watson, was adopted :

Resolved, That the thanks of the Council be tendered to the Revs. E. L. Toy, L. Paladino, S. J., W. C. Rommel, and C. Wright, for their voluntary offers to serve as chaplains of this Council, and that they be requested to act as such in the following order: On Mondays and Fridays, Rev. E. L. Toy; Tuesdays and Saturdays, Rev. L. Paladino; Wednesdays, Rev. W. C. Rommel; Thursdays, Rev. C. Wright.

Tatem introduced the following resolution, which, on motion of Cullen, was adopted :

Resolved, By the Council, the House concurring, that a committee of two, to act in conjunction with a like committee from the House, be appointed to examine and audit the accounts of the Territorial Auditor and Treasurer, for the years A. D. 1874 and A. D. 1875.

The Chair appointed Messrs. Tatem and Lewis such committee.

Tatem, from the Committee on Enrollment, made the following report :

MR. PRESIDENT—Your Committee on Enrollment would report that they have carefully examined and find C. B. No. 1 correctly enrolled.

TATEM, *Chairman*.

Mr. President announced that he had signed C. B. No. 1, An Act relative to public printing.

Hays introduced C. J. M. No. 1, Memorial to the President of the United States.

Read first and second times and referred to the Committee of the Whole.

C. J. R. No. 1 was taken from the table and read the second time.

Cullen moved to adopt the amendment striking out the words "three weekly newspapers" and insert "two weekly newspapers." Carried.

On motion of Cullen, the rules were suspended, C. J. R. No. 1 considered engrossed, read a third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hornbuckle, Lewis, Watson, and Mr. President—10.

Nays—Cullen, Hays, and Tatem—3.

Mr. Tatem, from the Committee on Enrollment, announced that he had handed to the Governor C. B. No. 1, An Act relating to public printing, at 11:30 A. M., January 10, 1876.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M. — Council resumed, Mr. President in the chair.

Roll called—all present.

On motion of Watson, the Council resolved itself into Committee of the Whole on C. J. M. No. 1.

Council resumed.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 10, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notice of the introduction of bills has been given as follows:

By Mr. Chessman: An Act for the prevention of cruelty to animals; also, An Act to amend an act entitled an act to incorporate the town of Helena.

By Mr. Sanders: An Act concerning schools.

By Mr. Burkett: An Act relating to compulsory education.

By Mr. Cave: An Act relating to county finances.

That Mr. Moore, of Gallatin, introduced H. B. No. 11, An Act to amend section 87, chapter 6 of the criminal practice act.

Respectfully,

A. H. BARRET,
Chief Clerk.

Petitions from certain attorneys at law, relating to district attorneys' compensation, were read and referred to the Committee on Judiciary.

The following resolution was introduced by Cardwell:

Resolved, That the Secretary of the Territory be requested to furnish a cheap pony for the benefit and convenience of the Chairman of the Enrollment Committee, in order to expedite business with more satisfaction and less walking.

Yours respectfully,

EDWD. CARDWELL.

On motion of Cullen, the Council took a recess until 10 o'clock A. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

NINTH DAY.

HELENA, Jan. 11, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.,
Mr. President in the Chair.

Roll called—all present.

Prayer by the Rev. Paladino, Chaplain.

Journal of yesterday read and approved.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, January 11th, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House appointed Messrs. Word and Tierney, to act with the Council committee, to examine Auditor's and Treasurer's accounts.

That C. J. R. No. 1 was read first and second times, and indefinitely postponed.

That notices were given :

By Curtis: An Act in relation to assessors.

By Word: An Act to provide for the regulation of the funded debt of Missoula county, and to provide for the payment of the interest of the bonds of said county.

By Moore, of Deer Lodge: An Act in relation to public morals.

Respectfully,

A. H. BARRET,

Chief Clerk.

Watson made the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Council Bill No. 7, beg leave to report the same back to the Council with a substitute, and recommend the passage of the same.

WATSON, *Chairman*.

On motion of Cullen, the substitute for C. B. No. 7 was adopted, and the bill ordered engrossed.

Mr. Cullen made the following report, which, on motion of Tatem, was adopted, and action on the subject matter of the report indefinitely postponed :

MR. PRESIDENT—Your Committee, to whom was referred the petition of certain members of the bar, of the second judicial district, praying for an increase in the salary and fees of the office of district attorney, would respectfully report that they have given said petition due consideration. The fees of the office are small, but they seem to be sufficient to secure the services of competent gentlemen throughout the Territory to fill the office in the respective judicial districts. So long as this is the case it would seem as if the compensation now provided by law was adequate to the services performed. We are further of the opinion that unless the fees or salary of an officer are so high as to be extortionate, that no change should be made in the fees or salary of an office, to take effect during the term of the incumbent of such office at the time of the passage of such law. We therefore report the petitions back to the Council with the recommendation that further action upon them be indefinitely postponed.

W. E. CULLEN, *Chairman*.

Mr. Bass, from the Committee on Printing, reported back the report of the Superintendent of Public Instruction and the report of the Historical Society, and informed the Council that the Secretary of the Territory stated that he was not authorized to print them.

On motion of Cullen, the report was received, and the reports referred to laid on the table.

The Committee on Internal Improvements made the following report, which, on motion of Cullen, was adopted :

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred that portion of the Governor's message relating to the navigable waters of Montana, have had the same under consideration, and recommend the following joint memorial, to be passed by the Legislative Assembly of Montana.

I. I. LEWIS, *Chairman*.

Mr. Bass, from the Committee of the Whole, reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. J. M. No. 1, beg leave to report the same back to the Council, and recommend that it be referred to the Committee on Federal Relations.

W. E. BASS.

Report received, and C. J. M. No. 1 was referred the Committee on Federal Relations.

The following notices of the introduction of bills were given :

By Cullen : A Bill for an act entitled an act concerning printing.

By Hornbuckle : A Bill for the exemption from taxation of woolen factories for a term of years in the Territory of Montana.

Hays introduced C. B. No. 8, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days, which was read the first and second times and referred to the Committee on Judiciary.

Tatem offered the following, which, on motion, was adopted :

Resolved, That the Chief Clerk be directed to inquire of the Secretary of the Territory whether he has provided a committee room for the use of the Council committees, and if so, its location.

Allebaugh introduced C. B. No. 9, entitled A Bill to amend section 286 of the criminal practice act, which was read the first and second times and referred to the Committee on Judiciary.

Allebaugh also introduced C. B. No. 10, entitled A Bill for taxing jury fees, which was read the first and second times and referred to the Committee on Judiciary.

C. J. M. No. 2, introduced by the Committee on Internal Improvements, in relation to the improvement of the navigable waters of Montana, was read the first and second times and referred to the Committee of the Whole, at 2:30 P. M.

On motion of Tatem, the Council took a recess till 2 P. M.

2 o'clock P. M.—Council resumed.

Mr. President in the Chair.

Roll called—all present.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 11th, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that Mr. Sanders introduced H. B. No.

12, An Act to reduce the public expenses in the item of printing.

That Mr. Burkett introduced H. B. No. 13, An Act relating to compulsory education.

That Mr. Word introduced H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county.

Respectfully,

A. H. BARRET,
Chief Clerk.

Committee on Towns and Counties made the following report :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred C. B. No. 5, respectfully report on such bill as follows, to-wit :

Having had the bill under consideration, we find that the provisions of said bill amend section 14, chapter 21, codified statutes of Montana, in this: That the said bill provides, "The county commissioners of the several counties shall not have power to build and construct public buildings for the use of the counties and appropriate the funds of the county therefor, without first submitting the question of such appropriation and building such public buildings, to the vote of the electors of said county."

Your committee would respectfully suggest that the bill be so amended as to read: "That county commissioners of the several counties shall not have power to build and construct public buildings and appropriate the funds of the county therefor to the amount exceeding two thousand (\$2,000.00) dollars without first submitting the question of each appropriation and building to the electors of the county at the next

general election, and shall be governed by their decision. With these amendments we recommend its passage.

J. ABASCAL, *Chairman*.

Mr. Cardwell moved to adopt the report.

Watson moved to amend that C. B. No. 5 and the report be referred to the Committee of the Whole, and the amendment was adopted by the following vote :

Ayes—Bass, Cullen, Graham, Hays, Hornbuckle, Lewis, and Watson—7.

Nays—Abascal, Allebaugh, Cardwell, Constans, Tatem, and Mr. President—6:

Tatem, from Committee on Federal Relations, reported as follows :

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred C. J. M. No. 1, would respectfully recommend that the words, “while made in good faith,” occurring at the bottom of the second page of said memorial, be stricken out, and the words, “made at the instance of Indian traders,” be inserted in lieu thereof. With these amendments we recommend its passage.

TATEM.

On motion, the amendment reported was adopted, and C. J. M. No. 1 ordered engrossed for third reading.

On motion of Lewis, the Council resolved itself into a Committee of the Whole, on C. J. M. No. 2.

Council resumed, Mr. President in the chair.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. J. M. No. 2, have instructed me to report the

same back to the Council, with the recommendation that the same pass.

CULLEN, *Chairman*.

On motion, the report of the Committee of the Whole was adopted.

On motion of Lewis, C. J. M. No. 2 was ordered engrossed for a third reading.

On motion of Cardwell, the Council went into a Committee of the Whole on C. B. No. 5.

Council resumed—Mr. President in the chair.

Committee on Engrossment reported C. B. No. 7, An Act to amend section 13, chapter 21 of general and miscellaneous laws, approved January 12th, 1872.

On motion of Hays, C. B. No. 7, An Act to amend section 13, chapter 21 of general and miscellaneous laws, approved January 12th, 1872, was read a third time, and passed by the following vote:

Ayes—Allebaugh, Bass, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—10.

Nays—Abascal, Cardwell—2.

Absent—Cullen.

On motion of Graham, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

TENTH DAY.

HELENA, Jan. 12, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. W. C. Rommel, Chaplain.

Journal of yesterday read and approved.

Petitions from citizens of Harrison, Madison county, in relation to the sale of intoxicating liquors on election days and Sundays, was read and referred to Committee on Elections.

Mr. Bass, from the Committee on Agriculture and Manufactures, made the following report :

MR. PRESIDENT—Your Committee on Agriculture and Manufactures, to whom was referred C. B. No. 4, beg leave to report the same back to the Council with the recommendation that it do pass.

W. E. BASS, *Chairman*.

On motion of Tatem, C. B. No. 4 and the report was laid on the table by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hornbuckle, Lewis, Tatem, Watson—10.

Nays—Cullen, Hays, Mr. President—3.

Mr. Lewis made the following report :

MR. PRESIDENT—The Committee of the Whole have had under consideration C. B. No. 5, an act to amend section 14,

chapter 21 of the Codified Statutes of Montana, and recommend that the bill pass with the following amendments: Amend what purports to be section 1 by striking out all of said section after the word "provided" and inserting the amendment offered by the committee on towns and counties in lieu thereof. Amend section 3 so as to read as follows: Section 3. This act to take effect and be in force from and after the 15th day of November, 1876.

I. I. LEWIS, *Chairman*.

Report received, and Tatem moved to take action upon the amendments reported separately.

The question being upon adopting the first amendment reported by the committee, Cullen offered the following amendment to the amendment: Amend by striking out the words "to an amount exceeding two thousand dollars," which was lost by the following vote:

Ayes—Cullen, Lewis, President—3.

Nays—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Tatem, Watson—10.

Mr. Hays moved to insert the word "thereafter" after the words "general election." Carried.

Section 1 as amended was adopted.

On motion of Watson, section 2 was adopted.

Mr. Watson moved to adopt the amendment reported to section 3.

Mr. Tatem moved to amend the amendment as follows: Strike out the words "November 15, 1876," and insert "from and after its passage, except with reference to Beaverhead county, in which county it shall take effect from and after November 15th, 1876," which amendment was adopted.

On motion of Lewis, the 3d section of the bill was adopted.

On motion of Tatem, the bill was adopted as a whole.

C. B. No. 5 was ordered engrossed for third reading.

Notices of the introduction of bills were given as follows :

By Graham: A Bill to compel owners of toll roads and bridges to keep the same in good repair.

By Bass: A Bill in relation to the management of insane persons in Montana Territory.

By Hornbuckle: A Bill to abolish private seals.

Watson, by consent, introduced C. B. No. 11, an act to prohibit executors, administrators and judges of probate court from purchasing chattels in certain cases, read first and second times and referred to Committee on Judiciary.

On motion of Lewis, the Council took a recess until 2 P. M.

2 o'clock P. M.—Council resumed.

Mr. President in the chair.

Roll called—all present.

A communication was received from the Governor, through his private secretary, returning C. B. No. 1 without his approval and with his objections.

Mr. President ordered the same to be spread at large on the journal, as follows :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
HELENA, Jan. 12, 1876. }

To the Legislative Council:

I have the honor to return to the Council C. B. No. 1, entitled An Act relative to public printing, without my approval. The great objection to the bill is its want of certainty. A bill regulating the price to be paid for printing should be specific and certain as to the rates to be paid for all classes of printing. I shall cordially give my support to any reasonable measure that will reduce the expenses of printing. The present rates allowed by law and paid for public printing are admitted to be exorbitantly high and should be reduced. I think, upon a re-consideration, the Legislative Assembly will concur with me that the bill should not become a law.

Yours respectfully,

B. F. POTTS, *Governor.*

The Council then proceeded to reconsider C. B. No. 1, and the question being put "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" was lost by the following vote:

Ayes—Abascal, Watson, and Mr. President—3.

Nays—Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, and Tatem—10.

And the bill was declared lost by the President.

Mr. Lewis, from the Committee on Engrossment, made the following report:

MR. PRESIDENT—Your Committee on Engrossment report Council Joint Memorial No. 1, Council Joint Memorial No. 2, and Council Bill No. 5, correctly engrossed.

I. I. LEWIS, *Chairman.*

The Committee on Agriculture and Manufactures, through their chairman, Mr. Bass, reported C. B. No. 2 back to the Council, with amendments, and recommended the adoption of the amendments.

On motion of Cullen, the report and amendments proposed were adopted, and C. B. No. 2 ordered engrossed for a third reading.

Cullen introduced C. B. No. 12, An Act concerning printing, which was read first and second times, and, on motion of Tatem, referred to the Committee on Printing, and ordered printed.

On motion of Hays, C. B. No. 4 was referred to the Committee on Engrossment.

Tatem moved to suspend the rules in order to reach C. B. No. 2. Carried.

C. B. No. 5 was read a third time.

On motion of Lewis, the action of the Council by which C. B. No. 5 was ordered to its third reading was reconsidered, and the bill referred to the Committee on Towns and Counties.

C. J. M. No. 1, to the President of the United States, was read a third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

C. J. M. No. 2, in relation to the improvements of the navigable waters of Montana, was read a third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

On motion of Lewis, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

ELEVENTH DAY.

HELENA, January 13, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by C. Wright, Chaplain.

Journal of yesterday read and approved.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
HELENA, MONTANA, Jan. 13th, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notice of the introduction of bills was given as follows:

By Carmichael: An Act prescribing fees of the district clerks.

By Reed: An Act to amend an act entitled An Act authorizing county commissioners of the several counties to dispose of the surplus moneys in the different county funds.

By Stuart: An Act to protect game in the Territory of Montana.

By Clewell: An Act to repeal an act entitled An Act defining the duties of Territorial Auditors, approved Feb. 13th, 1874.

That Curtis introduced H. B. No. 16, An Act relating to counties and county officers.

Respectfully,

A. H. BARRET, *Chief Clerk.*

Petitions from certain citizens praying for the passage of an act to prevent the sale of intoxicating liquors on Sundays and election days, was read and referred to the Committee on Elections.

Mr. Cullen made the following report :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 11, entitled An Act to prohibit executors, administrators, and judges of probate courts from purchasing chattels in certain cases, would respectfully report the same back to the Council, with the recommendation that the same pass with the following amendment, to-wit: In section 4 of said act strike out the words, "*for a less sum than the same shall be appraised.*"

W. E. CULLEN, *Chairman.*

On motion of Watson, the report was adopted, and C. B. No. 11 was referred to the Committee of Engrossment, and ordered engrossed.

Mr. Abascal, Chairman of the Committee on Towns and Counties, reported back C. B. No. 5, An Act to amend section

14, chapter 21 of the codified statutes of Montana, with amendments.

On motion of Tatem, the report was adopted, and C. B. No. 5 was ordered engrossed.

The following notices of the introduction of bills were given :

By Watson: An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve (12) per cent bonds.

By Tatem: An Act concerning the management of diseased animals.

By Hornbuckle: A Bill requiring witness and jury fees to be paid into the county treasury.

By Watson: An Act to authorize the Governor to contract for the hire of the labor of Territorial convicts.

Mr. Hornbuckle introduced C. B. No. 13, An Act to abolish private seals. Read first and second times, and ordered printed.

Mr. Graham introduced C. B. No. 14, An Act to compel owners of toll roads and bridges to keep the same in repair, read first and second times.

On motion of Bass, the rules were suspended, and the bill referred to the Committee on Roads and Highways.

Mr. Cullen introduced C. B. No. 15, An Act to repeal chapter 80, of the compiled statutes. Read first and second times, and referred to the Committee on Mines and Minerals.

Mr. Lewis, from the Committee on Engrossment, reported C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13th, 1874, correctly engrossed.

C. B. No. 4 was read third time, and passed by the following vote:

Ayes—Abascal, Bass, Constans, Cullen, Graham, Hayes, Lewis, Tatem, and Mr. President.—9.

Nays—Allebaugh, Cardwell, Hornbuckle, and Watson—4.

On motion of Bass, Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed, Mr. President in the chair.

Roll called—all present.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 13th, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that Mr. Moore, of Deer Lodge, gave notice of an act relative to taxation of road districts for road purposes, in unorganized districts, and the distribution thereof.

That H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county, has passed the House.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Bass, from the Committee on Printing, reported C. B. No. 6 correctly printed.

On motion of Cullen, C. B. No. 6 was referred to a select committee consisting of Tatem, Bass, and Abascal.

Mr. Lewis, from the Committee on Engrossment, reported C. B. No. 2 correctly engrossed.

The following notices of the introduction of bills were given :

By Hornbuckle: A Bill providing for the foreclosure of chattel mortgages.

Also, a bill to amend sections 3, 4, 5, 14, 20, 21, 22 and 23, of an act to provide for the collection of revenue, approved January 12th, 1872.

Mr. Watson, by consent, introduced C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds.

C. B. No. 16 was read the first and second times, and referred to the Committee on Printing, and ordered printed.

H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county, was read the first and second times and referred to a committee consisting of the members representing Missoula county.

Mr. Cullen was called to the chair.

C. B. No. 2, An Act to require butchers and slaughterers to give bonds, and to keep a record of the animals purchased and slaughtered by them, was read the third time, and, on motion of Tatem, the action of the Council, by which the bill was passed to a third reading, was re-considered, and the bill referred to a special committee consisting of Tatem, Bass, and Hays.

On motion of Brown, the Council adjourned until 10 o'clock to-morrow morning.

HARRY R. COMLY,
Chief Clerk.

TWELFTH DAY.

HELENA, Jan. 14, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the chair.

Roll called—all present.

Prayer by Rev. E. L. Toy, Chaplain.

Journal of yesterday read and approved.

Communication from the Governor received.

Mr. Lewis, from Committee on Engrossment, reported C. Bs. Nos. 5 and 11 correctly engrossed.

The Select Committee to whom was referred C. B. No. 6, reported the bill back to the Council recommending that it pass with certain amendments.

Abascal moved to adopt the report and discharge the Committee.

Mr. Cullen moved to amend, to receive the report and discharge the Committee.

Amendments accepted.

Ayes and nays were demanded and the motion adopted by the following vote :

Ayes—Abascal, Bass, Constans, Cullen, Graham, Tatem and President—7.

Nays—Allebaugh, Cardwell, Hays, Hornbuckle, Lewis and Watson—6.

Cullen moved to lay the report on the table. Carried.

Mr. Tatem gave notice of the introduction of a bill entitled An Act to prevent the purchase or sale of votes.

Mr. Hornbuckle introduced C. B. No. 17, An Act to amend sections 3, 4, 5, 14, 20, 21 and 31 of an act providing for the collection of revenue, approved January 12th, 1872, which was read first and second times and referred to Committee on Printing.

Mr. Hays introduced C. B. No. 18, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days. Read first and second times and referred to Committee on Printing.

Hornbuckle introduced C. B. No. 19, An Act requiring witnesses' and jurors' fees to be paid into the county treasury. Read first and second times and referred to Committee on Judiciary.

Bass introduced C. B. No. 20, An Act in relation to the management of insane persons in Montana Territory. Read first and second times and referred to Committee on Printing.

Mr. Hornbuckle introduced C. B. No. 21, An Act providing for the foreclosure of chattel mortgages. Read first and second times and referred to the Printing Committee.

Watson introduced the following resolution, which was adopted:

Resolved, By the Council, that the Committee on Printing

be instructed to report C. B. No. 12 back to the Council at 2 o'clock this afternoon, whether the same is printed or not.

WATSON.

Mr. Tatem was called to the Chair.

C. B. No. 5 was read a third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—Graham—1.

Title agreed to.

C. B. No. 11, An Act to prohibit executors, administrators and judges of probate court from purchasing chattels in certain cases, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, President—13.

Nays—None.

Mr. Cullen moved to amend title so as to read : " An Act to prohibit executors, administrators and judges of probate courts from purchasing property belonging to estates of deceased persons."

On motion of Cullen, the Council went into executive session to consider a communication from the Governor.

Council resumed.

Mr. President in the chair.

On motion of Tatem, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Roll called—all present.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Jan. 14, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House passed H. B. No. 13, An Act relating to compulsory education.

That notices of the introduction of bills were given :

By Mr. Stuart : A Bill for an act to amend chapter 17 of the codified statutes of Montana Territory.

By Mr. Clewell : An Act relative to costs in divorce cases.

That Mr. Carmichael introduced H. B. No. 20, An Act to regulate and establish the fees of district clerks.

That Mr. Moore, of Deer Lodge, introduced H. B. No. 21, An Act in relation to taxation for road purposes in unorganized road districts and the disposition thereof.

Respectfully,

A. H. BARRET,
Chief Clerk.

The Committee to whom was referred C. B. No. 15 reported it back to the Council and recommended that it do not pass.

On motion of Tatem, the report was received and adopted.

The Committee on Roads and Highways made the following report :

MR. PRESIDENT—Your Committee on Roads and Highways, to whom was referred C. B. No. 14, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS,
JAMES HORNBUCKLE,
I. ABASCAL.

On motion of Hornbuckle, the report was received and adopted.

Mr. Cullen gave notice that he would introduce a bill entitled An Act for the relief of John Quirk.

Mr. Hays gave the following notice :

MR. PRESIDENT—I will on to-morrow, or some future day, introduce A Bill for an act to amend sections 3 and 4 of an act of the Legislative Assembly of this Territory, entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

HAYS.

Mr. Watson introduced C. B. No. 22, An Act to authorize the Governor of the Territory to contract for the hire of the labor of Territorial convicts, which was read the first and second times and ordered printed.

Mr. Tatem introduced C. J. R. No. 2, in relation to committee clerks.

Mr. Cullen moved to refer the resolution to the Committee on Internal Improvements. Lost.

Mr. Cullen moved to refer to the Committee on Military Affairs.

Mr. Tatem moved to amend to refer to Committee on Engrossment. Carried.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 14, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the vote by which H. B. No. 13, An Act relating to compulsory education, passed the House, has been reconsidered, and request of your honorable body the return of the bill to the House.

Respectfully,

A. H. BARRET,
Chief Clerk.

There being no objection, H. B. No. 13, An Act relating to compulsory education, was returned to the House.

Tatem moved to adjourn.

The ayes and nays were demanded by Watson, and the motion was lost by the following vote :

Ayes—None.

Nays—Abascal, Allebaugh, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—11.

Absent—Messrs. Bass and Tatem.

Mr. Bass, from Committee on Printing, returned C. B. No. 12, as requested by resolution adopted during the morning session.

Mr. Hays offered the following amendment to C. B. No. 12: After section 9 add the following: “ unless such laws and resolutions so to be published, or remaining to be pub-

lished, will not make three columns, and no law or resolution so designated to be published shall be inserted in such newspaper more than once," which, on motion of Hays, was adopted.

Cullen moved to engross for third reading.

Mr. Hornbuckle in the Chair.

Watson moved to amend by suspending the rules, to consider the bill engrossed as amended, and put upon its final passage.

Amendment lost by the following vote :

Ayes—Abascal, Bass, Cardwell, Constans, Graham, Watson—6.

Nays—Allebaugh, Cullen, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—7.

The question being upon the motion of Cullen to engross the bill, it was carried by the following vote :

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Watson, and Mr. President—10.

Nays—Allebaugh, Lewis, Tatem—3.

And the bill was ordered engrossed.

C. B. No. 14 and C. B. No. 15 were ordered engrossed for third reading.

On motion of Brown, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

THIRTEENTH DAY.

COUNCIL CHAMBER, }
HELENA, Jan. 15, 1876. }

Council met pursuant to adjournment at 10 o'clock A. M.,
Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. Father Paladino, chaplain.

The journal of yesterday was read and approved.

Mr. Bass, from the Printing Committee, reported C. B. No.
13 correctly printed.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 15, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable
body that the House has passed H. B. No. 18, A Bill for an
act to repeal an act entitled an act defining the duties of Ter-
ritorial Auditor.

That the House passed a substitute for C. B. No. 7, An Act
to amend section 13 of chapter 21 of an act revising, re-enact-
ing and codifying the general and permanent laws of Mon-
tana Territory.

Respectfully,

A. H. BARRET,

Chief Clerk.

Graham introduced the following resolution :

Resolved, That the consideration of any or all bills or reso-
lutions appertaining, or relating to railroad matters, or the

granting of any subsidies or Territorial aid for building a railroad, introduced on or before the first day of February next ensuing, be postponed to and made the special order for that day.

GRAHAM.

Mr. Abascal moved to adopt the resolution.

Mr. Graham demanded the ayes and nays, and the resolution was adopted by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hornbuckle, Tatem, Watson, and Mr. President—11.

Nays—None.

Absent—Messrs. Hays and Lewis.—2.

Mr. Bass moved that C. B. No. 6 be taken from the table, the amendments reported adopted, and the bill ordered engrossed, which motion was lost.

Mr. Lewis, from the Committee on Engrossment, reported C. B. No. 12, An Act concerning printing, correctly engrossed.

Cullen moved to concur in House substitute for C. B. No. 7, which motion was carried by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Tatem, and Mr. President—11.

Nays—Hornbuckle and Watson.

The bill was ordered enrolled.

H. B. No. 18, A Bill for an act defining the duties of Territorial Auditor, was read the first and second times, and referred to the Committee on Judiciary.

Mr. Bass in the chair.

C. B. No. 12, An Act concerning printing, was read the third time and passed by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—11.

Nays—Allebaugh and Tatem.

Title agreed to.

Communication from W. C. Shippen was read.

On motion of Brown, the Council adjourned until Monday morning next, at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

FIFTEENTH DAY.

COUNCIL CHAMBER, }
HELENA, Jan, 17, 1876. }

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called.

Prayer by Rev. E. L. Toy, Chaplain.

Journal of Saturday read and approved.

The Printing Committee made the following report:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bill No. 18, and Council Bill No 20, beg leave to report the same correctly printed.

W. E. BASS,
WM. GRAHAM.

The Committee on Engrossment made the following report :

MR. PRESIDENT—Your Committee on Engrossment have examined Council Bills No. 14 and 15, and Council Joint Resolution No. 2, and beg leave to report them as correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Tatem, from the Committee on Enrollment, reported substitute for C. B. No. 7 correctly enrolled.

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 17, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given as follows :

By Mr. Rotwitt: An Act to amend an act entitled an act to provide for a system of common schools.

By Mr. Chessman: An Act to regulate the fees of sheriff.

By Mr. Stuart: An Act to amend section 630 of the civil practice act, concerning proceedings in probate courts.

By Mr. Reed: An act in relation to aiding the construction of the Cheyenne and Montana railroad by subsidy.

By Mr. Clewell: An Act relative to the fees of county clerks and recorders.

By Mr. McCormick: A Bill to grant a Territorial subsidy to the Utah Northern railroad company to enable said company to extend their road to the city of Helena.

That Mr. Stuart introduced H. B. No. 22, An Act to amend chapter 17 of the codified statutes of the Territory of Montana.

Also, H. B. No. 23, A Bill for an act to protect game and fish in the Territory of Montana.

Also, H. B. No. 24, A Bill for an act to amend section 656 of the civil practice act.

By Mr. Mead: H. B. No. 25, A Bill for an act apportioning the members of the Legislative Assembly of Montana Territory, and prescribing the time of their election.

That C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874, has passed the House, and is herewith transmitted.

Respectfully,

A. H. BARRET,
Chief Clerk.

The following notices of the introduction of bills were given :

By Graham: A Bill taxing ores and bullion.

By Bass: A Bill to amend an act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice in Montana Territory, approved February 13, 1874.

By Watson: A Bill for an act to abolish the office of Territorial Treasurer, and make the Territorial Auditor *ex-officio* Territorial Superintendent of Public Instruction.

Mr. Cullen introduced C. B. No. 23, An Act for the relief of John A. Quirk.

Read first and second times, and, on motion of Cullen, C. B. No. 23 was referred to a Special Committee consisting of Constans, Hornbuckle, and Cardwell.

Mr. President announced that he had signed substitute for C. B. No. 7.

C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874, was ordered enrolled,

On motion of Cullen, C. B. No. 18 was referred to the Committee on Elections.

On motion of Cullen, C. B. No. 20 was referred to the Committee on Ways and Means.

The Committee on Enrollment reported they had handed C. B. No. 7 to the Governor for his action, at 10:30 A. M. this January 17, 1876.

C. J. R. No. 2, in relation to committee clerks, was read a third time, and, on motion of Watson, postponed until the 24th of January.

C. B. No. 14 was read a third time, and, by unanimous consent, the enacting clause was amended by inserting between the words "of" and "Montana," the words "the Territory of," and as amended, passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

C. B. No. 15, An Act to repeal chapter 80 of the codified statutes, was read third time, and on motion of Watson, the further consideration was postponed until January 24.

Cullen gave notice that he would on to-morrow move to reconsider the vote by which C. B. No. 14 passed the Council.

On motion of Bass, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Mr. President in the chair.

Roll called—all present.

Mr. Cullen, Chairman of Judiciary Committee, reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 9, A Bill for an act to amend section 286 of the criminal practice act, would respectfully report the same back to the Council with recommendation that the same do not pass.

W. E. CULLEN, *Chairman*.

The following notices of the introduction of bills were given :

By Allebaugh: A Bill to repeal section 7 of an act in relation to divorce.

By Hornbuckle: A Bill for an act to change the boundary lines of Meagher county; also, a bill for an act to attach Dawson to Meagher county for revenue and other purposes.

Cullen moved that C. B. No. 9 be indefinitely postponed, and the bill was indefinitely postponed by the following vote :

Ayes—Abascal, Cardwell, Constans, Cullen, Lewis, Tatem, Watson, and Mr. President—8.

Nays—Allebaugh, Bass, Graham, Hays, and Hornbuckle—5.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 17, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notices of the introduction of bills were given as follows :

By Mr. Brooke : An Act concerning the management of live stock.

By Mr. Carmichael : An Act to tax jury fees.

By Mr. Ford : A Bill to change the boundary lines between Chouteau and Deer Lodge counties.

By Mr. McCormick : A Bill to provide for the letting of district and county offices to the lowest bidder.

That the following bills were introduced :

By Mr. Word : H. B. No. 26, An Act to provide for the funding of the debt of Madison county.

By Mr. Chessman : H. B. No. 27, An Act to incorporate the town of Helena.

By Mr. Rotwitt : H. B. No. 28, An Act to amend an act entitled an act to provide a system of common schools.

By Mr. Clewell : H. B. No. 29, A Bill for an act relative to costs in divorce cases.

By Mr. Stuart : H. B. No. 30, A Bill for an act to amend section 630 of the civil practice act concerning proceedings in probate courts.

Respectfully,

A. H. BARRET,
Chief Clerk.

Cullen moved to reconsider the vote by which C. B. No. 14 passed the Council, and the vote was reconsidered by the following vote:

Ayes—Allebaugh, Cardwell, Cullen, Hays, Lewis, Tatem, Watson—7.

Nays—Abascal, Bass, Constans, Graham, Hornbuckle, President—6.

Cullen offered the following amendment, which, by unanimous consent, was adopted:

Insert the words "*upon which toll is collected*" after the word "bridge" in the third line of section 1 of said bill.

And the Clerk was directed to interline said amendment in the engrossed bill.

The bill as amended, was read by the title and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, President—13.

Nays—None.

Title agreed to.

On motion of Hays, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

SIXTEENTH DAY.

HELENA, Jan. 18th, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. Father Paladino, Chaplain.

Journal of yesterday read.

The following communication from N. P. R. R. received, which was read and referred to Committee on Printing, and one hundred copies ordered printed.

To the Council and House of Representatives of the Legislative Assembly of Montana :

The undersigned respectfully represent that they are the agents of the Northern Pacific railroad company, duly accredited to appear before your honorable body in behalf of said railroad company, to confer with you upon measures needful for the extension of said railroad into your Territory, and to execute any such contract therefor as may be mutually agreed upon.

That the said Northern Pacific railroad is now constructed from Duluth, on Lake Superior, to Bismarck, on the Upper Missouri, a distance of about four hundred and fifty miles; and is also constructed from Tacoma, on Puget sound, to Kalama, on the Columbia river, a distance of about one hundred miles.

That the said eastern and western divisions, aggregating about five hundred and fifty miles of railroad, are successfully

operated, each of them paying considerably more than running expenses.

That the said Northern Pacific railroad company has lately been reorganized by a foreclosure of its mortgage and agreements of parties in interest, so that it stands to-day free from bonded debt, and with no liabilities, except a small floating debt, not exceeding half a million of dollars, secured by collateral and being rapidly extinguished. Its unincumbered property consists of five hundred and fifty miles of first-class railroad, thoroughly equipped, with about fifty locomotives and 1,500 cars, that earned the past year more than one hundred thousand dollars over running expenses, and a land grant, now amounting to more than six millions of acres of land, earned and remaining unsold. The charter of the road also secures to it about 25,600 additional acres of land for every mile of road hereafter constructed. Probably there is not to-day another railroad of any magnitude in the country so free from debt, or where a tithe of so much property lies comparatively dormant through lack of more complete development.

Your memorialists further respectfully represent, that the interests of your great Territory are identical with ours, and that the extension of the Northern Pacific railroad into your interior mining districts is the one thing absolutely essential for your future development. We state our case thus strongly, because ours is the only direct route between the east and the west; the only trans-continental line to pass within your borders, and the only first-class road in contemplation. Any and all others can be but branches to the line nearly five hundred miles due south from you, to reach which you must travel nearly five hundred miles out of your way, and then be subject to a monopoly of rates that has been, and continues to be, complained of as exorbitant.

We are credibly informed, and have before us, statistics prepared by your own citizens, showing that you are expend-

ing a million of dollars per annum for teaming your freight to and from the Union Pacific railroad.

That your goods are freighted to you at an average cost of one hundred and twenty-five dollars per ton by rail and team, and twenty cents per pound by express. That your stage fare averages sixty dollars per passenger each way. That your transportation facilities, even at these enormous rates, are so inadequate to your wants, that you have to-day more rich ores out of the mines and lying in sacks on storage (much of it held for advances at from one and a half to two and a half per cent a month) than can be hauled away during the coming season. While these disabilities embarrass the working of your richest ores, they completely embargo the mining of such of your second-class ores as, in more accessible parts of the country, would be considered of incalculable value. In consequence, out of many thousands gold and silver veins recorded in your various counties, comparatively few are now worked at all.

Our railroad, extended into the heart of this rich mineral region, or to within an easy distance, would develop and bring out your dormant wealth, to an incalculable extent. Your development and growth would be more rapid and startling than has been known in the history of this or any other country.

On the other hand, such a connection with you, and the consequent development of business, would place one thousand miles of our road between this point and the great interior lakes, in immediate paying condition, and secure an early connection with the Pacific coast.

With interests thus identical, and equally vast, we desire your earnest co-operation in the effort for an immediate advance. Our road is within one hundred and sixty miles of your eastern border. The line of construction to that point and thence up the Yellowstone river is extremely feasible.

The low price of labor and material makes the present time a very favorable one for re-commencing construction. But in order to overcome the existing timidity of capital, to make it certain that the money invested is to be protected by the business of the Territory, we feel that it will be necessary that the road should be extended at least two hundred miles within your borders, and that your interests in it should be such as to make it your line of travel and transportation.

An extension of the road not less than three hundred and sixty miles west from Bismark, would make it easily accessible to you. An investment of your credit in the construction, secured by the proceeds of your business, would make it sure that the business would come, and equally certain that it would immediately increase to such an extent as to stimulate a steady and rapid extension of the railroad throughout the entire length of the Territory.

We beg leave to suggest for your consideration a plan under which you can extend a helping hand to this great enterprise, and put its wheels in motion without giving a subsidy and without taxation, either for interest or principal. And we now offer on behalf of our company to construct our road from Bismark to your eastern border, and to rail and operate so much road as you will furnish bonds to grade and bridge and tie, not less than two hundred miles in continuation of the same; the work to be commenced next spring and completed in two years.

It is estimated that ten thousand dollars per mile will grade, bridge and tie the road in the eastern part of the Territory. Two hundred miles will require two millions of dollars.

We propose that you should issue for this purpose two millions of Territorial bonds, bearing interest at the rate of eight per cent per annum, payable semi-annually, and maturing in twenty-five years; and that both interest and principal be secured by a lien upon the traffic of the road to and from Monta-

na ; the interest to be paid by the railroad company out of such gross receipts, and such further sum to be paid out of said receipts semi-annually, and placed in trust as will with accruing interest, constitute a sinking fund sufficient to pay the bonds at maturity. One hundred and sixty thousand dollars per annum will pay the interest, and forty thousand dollars per annum will create a sinking fund ample for the final redemption. Thus, two hundred thousand dollars per annum, or about twenty per cent of your present freight bills, would be ample to secure you on interest and principal, without any taxation whatever. The security is your own, and must be good as long as you do even the present limited business of the Territory ; and by this simple loan of your credit, and assurance of your support, you open a channel of communication which is absolutely certain to increase your production and your consequent security an hundred fold.

Having thus briefly presented the ground-work of our proposal, we hold ourselves in readiness to confer with you upon details, or to make full explanations, or to conclude contracts, at your pleasure.

GEORGE STARK,
Vice President N. P. R. R.

W. MILNOR ROBERTS,
Chief Engineer, N. P. R. R.

Helena, January 17, 1876.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Jan. 18, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that substitute for H. B. No. 15, An Act in relation to crimes and punishments, has passed the House.

Respectfully,
A. H. BARRET,
Chief Clerk.

Mr. Cullen made the following report :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 10, entitled A Bill for taxing jury fees, have instructed me to report the accompanying substitute for said bill, with the recommendation that the same pass.

W. E. CULLEN, *Chairman*.

On motion of Watson, the report received and laid on the table.

Mr. Tatem reported C. B. No. 4 correctly enrolled.

The Printing Committee reported C. B. No. 17 and C. B. No. 21 correctly printed.

Cullen moved to refer C. B. No. 17, and C. B. No. 21 to the Committee of the Whole.

Mr. Watson moved to refer to the Committee on Ways and Means. Accepted and adopted.

On motion of Cullen, C. B. No. 6 was taken from the table and referred to the Committee on Ways and Means.

Mr. Tatem made the following report, which, on motion of Cullen, was adopted, and C. B. No. 2 was ordered engrossed.

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 2, would respectfully report as follows:

They recommend that in section 1 the word "five" occurring in the 8th line, be stricken out, and the word "three" inserted in lieu thereof. Also, the word "or" occurring in the 13th line be stricken out, and the word "and" inserted in lieu thereof. Also, the word "weight" occurring in the 15th line be stricken out. Also, after the word "thereof," at the end of the 16th line, the words "for six months" be inserted. Also, in 19th line strike out "ten" and insert "twenty."

They recommend that in section 3 the word "or" occurring in 6th line, be strickn out, and the word "and" be inserted in lieu thereof. Also, in 8th line, after the word "marks," insert "both natural and artificial." Also, at the end of 8th line strike out the word "weight." Also, in 11th line strike out "ten" and insert "twenty."

They recommend the insertion of another section after section 3 (and the re-numbering of the subsequent sections to correspond), as follows: "Every person who shall slaughter more than five beeves for sale per annum, shall be deemed a butcher and amenable to the provisions of this act; and every person who shall slaughter one or more beeves for sale shall keep the hides and horns for twenty days, or, failing to do so, shall be subject to the fines mentioned in this act."

They recommend that in section 4 (as it now stands), after the word "open," in the 2d line insert "for six months." In 4th line strike out the word "ten" and insert "twenty."

They recommend that after section 6 (as it now stands), a section be inserted numbered 7, as follows: "All acts and parts of acts conflicting with the provisions of this act, be, and the same are hereby, repealed."

They recommend that section 7 (as it now stands), be amended so as to read: "This act shall take effect and be in force from and after the first day of April, A. D. 1876."

With these amendments we recommend that it do pass.

Respectfully,

TATEM, *Chairman.*

The following notices of the introduction of bills were given:

By Lewis: A Bill for an act to amend section 1 of an act entitled an act concerning license.

By Cardwell: A Bill for the funding of the indebtedness of Jefferson county.

Allebaugh introduced C. B. No. 24, A Bill for an act to repeal section 7 of an act in relation to divorce.

Read first and second times and referred to the Judiciary Committee.

Watson introduced C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a fiscal agent for the Territory of Montana.

Read first and second times, and ordered printed.

Cullen in the chair.

Hornbuckle introduced C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation, which was read the first and second times and referred to the Committee on Agriculture and Manufactures.

Graham introduced C. B. No. 27, A Bill for an act taxing ores and bullion, which was read the first and second times, and, on motion of Graham, was referred to the Committee on Mines and Minerals, and ordered printed.

On the decision of the Chair that the bill be ordered printed, Mr. Tatem appealed from the decision of the Chair, and the question being put, "Shall the Chair be sustained?" it was lost by the following vote:

Ayes—Bass, Cardwell, Graham, and Hays—4.

Nays—Abascal, Allebaugh, Constans, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—8.

Mr. Brown moved to re-consider the action of the Council by which the bill was referred to the Committee on Mines and Minerals, which was lost by the following vote:

Ayes—Bass, Cardwell, Hays, Hornbuckle, and Mr. President—5.

Nays—Abascal, Allebaugh, Constans, Cullen, Graham, Lewis, Tatem, and Watson—8.

Watson introduced C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction.

Read first and second times and ordered printed.

Mr. Hornbuckle introduced C. B. No. 29, A Bill for an act to provide compensation for the transportation and board of prisoners, which was read the first and second times, and referred to a Select Committee consisting of Constans, Hornbuckle, and Cardwell.

On motion of Hays, the Chief Clerk was instructed to answer the communication of the agents of the Northern Pacific railroad, informing them that the Council has the same under consideration.

Substitute for H. B. No. 15, An Act in relation to crimes and punishments, was read first and second times, and referred to the Judiciary Committee.

On motion of Watson, the Council took a recess until 6 o'clock P. M.

6½ o'clock P. M.—Council resumed, Mr. President in the chair.

Roll called—all present.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 18, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. B. No. 12 has passed the House with amendments.

Respectfully,

A. H. BARRET,
Chief Clerk.

Cullen moved to concur in the House amendments to C. B. No. 12, An Act concerning printing, which motion was adopted, and C. B. No. 12 was ordered enrolled.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment have examined Council Bill No. 2, as amended, and report the same correctly engrossed.

I. I. LEWIS, *Chairman*.

C. B. No. 2, An Act to require butchers and slaughterers to give bonds and to keep a record of the animals purchased and slaughtered by them, was read the third time and passed by the following vote :

Ayes — Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Watson—12.

Nays—Mr. President—1.

Title agreed to.

On motion of Abascal, the Council adjourned till to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

SEVENTEENTH DAY.

HELENA, Jan. 19, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. President announced that he had signed C. B. No. 4, An Act to repeal an act concerning the management of live stock, approved February 13, 1874.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred C. Bs. Nos. 25 and 28, herewith return the same to the Council with the information that the secretary refuses to print the same on the ground that they are not bills of a general nature.

W. E. BASS.

Mr. Watson moved Printing Committee be authorized to have C. Bs. Nos. 25 and 28 printed at the expense of the Territory. Carried.

The Committee on Mines and Minerals made the following report:

MR. PRESIDENT—You Committee on Mines and Minerals, to whom was referred C. B. No. 27, entitled an act taxing ores and bullion, beg leave to report, having had the same under consideration, find that section 1 of the bill provides for assessing and taxing ores at their actual assay value, which would be in most cases in this Territory, four times the real or commercial value of said ores.

Section 2 of said bill provides for the assessment and taxing of base and refined bullion resulting from the ores assayed and taxed the same year under the provisions of section 1, assessing and taxing the same at its assay value whether such bullion be worth in actual cash such assay value, or only *half* such assay value.

Section 4 makes it an implied duty of the county assessor to visit all mines in his district on the first Monday of January, April, July and October of each year (or soon thereafter), for which the laws of the Territory do not suitably provide.

Your Committee are of the opinion the mining interests of the Territory should be protected and not discouraged by the

passage of such a bill. Therefore we do most respectfully recommend that the bill do not pass.

JAMES HORNBUCKLE, *Chairman*.

I. I. LEWIS,

ED. CARDWELL.

Cullen moved to adopt the report.

Graham called for ayes and nays.

And the motion prevailed by the following vote:

Ayes—Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—8.

Nays—Allebaugh, Bass, Graham, and Hays—4.

Absent—Abascal—1.

Tatem moved to indefinitely postpone the matter.

Graham moved to refer C. B. No. 27, An Act taxing ores and bullion, to the Printing Committee, which last motion was carried and the bill ordered printed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Graham, Hays, Lewis, and Watson—8.

Nays—Constans, Cullen, Hornbuckle, Tatem, and Mr. President—5.

Mr. Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 13, entitled An Act to abolish private seals, would respectfully report the same back to the Council with the recommendation that section 3 of said bill be stricken out.

W. E. CULLEN, *Chairman*.

On motion the report was adopted, and C. B. No. 13 was ordered engrossed as amended.

Mr. Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 19, entitled An Act requiring witness' and jurors' fees to be paid into the county treasury, would respectfully report the same back to the Council with the recommendation that the same pass.

W. E. CULLEN, *Chairman*.

On motion of Cullen, C. B. No. 19 was ordered engrossed.

Mr. Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 18, An Act to repeal an act defining the duties of Territorial Auditor, would respectfully report the same back to the Council with the recommendation that the same pass.

W. E. CULLEN, *Chairman*.

On motion of Watson, the report was adopted.

The following report was received, and on motion of Bass, adopted:

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 14, after carefully examining the same, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS,

W. GRAHAM,

I. ABASCAL.

Mr. Hornbuckle introduced C. B. No. 30, An Act to amend section 1 of an act to amend section 7, of chapter 20 of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory. Read first

and second times, and on motion of Hornbuckle, referred to Committee on Towns and Counties.

Mr. Cardwell introduced C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, Montana Territory, and for other purposes. Read first and second times, and on motion of Cullen, referred to a select committee consisting of Lewis and Cardwell.

The following communication was received from the Governor :

HELENA, M. T. January 19, 1876.

To the Council :

I have the honor to inform the Council that I have this day approved C. B. No. 7, entitled An Act to amend section 13, of chapter 21, of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

Very respectfully,

B. F. POTTS, *Governor.*

Bass introduced C. B. No. 32, An Act to amend an act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana. Read first and second times, and referred to Committee on Judiciary.

Mr. Lewis introduced C. B. No 33, An Act to amend section 1, of an act entitled An Act concerning licenses, approved May 8th, 1873. Read first and second times, and referred to the Committee of Ways and Means.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 19th, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. B. No. 5, An Act to amend sec-

tion 14, chapter 21, of the codified statutes of Montana, was indefinitely postponed.

That H. B. No. 17 was passed by the House.

That H. B. No. 19 has passed the House.

That House Bill No. 6, A Bill for an act relative to the admission of attorneys at law, was read a third time and lost.

That H. B. No. 12. An Act to reduce public expenses in the item of printing, was indefinitely postponed.

That notices of the introduction of bills were given :

By Brooke : A Bill for an act concerning the management of diseased sheep, and to protect the interests of wool growers in Montana.

By Curtis : An Act to amend section 286, of the Criminal Practice Act.

By Carmichael : A Bill to regulate the fees of jurors and witnesses.

By Olds : An Act relative to mechanics' liens.

By Worden : A Bill authorizing the county commissioners of Missoula county to apply certain funds to certain uses.

By Tierney : A Bill authorizing the county commissioners of Meagher county to appoint a fire warden and for other purposes.

Respectfully,

A. H. BARRET,

Chief Clerk.

H. B. No. 17, An Act to amend an act entitled An Act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds,

approved Feb. 13th, 1874, was read first and second times and referred to Committee of Ways and Means.

Mr. Tatem, from Joint Enrollment Committee, reported that C. B. No. 4 has been handed to the Governor at 10:20 A. M. this 19th instant.

H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county, read first and second times, and, on motion of Cullen, the bill was referred to a committee consisting of Messrs. Bass and Graham.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.

Roll called—all present.

Mr. President in the chair.

On motion of Watson, the Council went into executive session.

Council resumed—Mr. President in the chair.

Mr. Watson, from the Committee of Ways and Means, reported H. B. No. 17, An Act to amend an act entitled an act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds, approved Feb. 13th, 1874, back to the Council, recommending its passage.

On motion of Hays, H. B. No. 17 was read third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson—11.

Nays—Cullen and Mr. President.

Title agreed to.

H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county, and to provide for the payment of the interest on the bonds of said county, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 18, A Bill for an act to repeal an act entitled An Act defining the duties of Territorial Auditor, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson and President—13.

Nays—None.

Title agreed to.

Mr Cardwell reported as follows :

MR. PRESIDENT—Your Committee on Elections, to whom was referred Council Bill No. 18, report the same back to the Council without taking any action, and recommend that it be referred to a Committee of the Whole.

CARDWELL, *Chairman.*

Report adopted.

On motion of Cullen, the Council adjourned until to-morrow morning at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

EIGHTEENTH DAY.

HELENA, January 20, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by Rev. C. Wright, Chaplain.

Journal of yesterday read and approved.

Mr. Abascal reported as follows :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom C. B. No. 30 was referred, ask leave to report the same back to the Council recommending that it do pass.

I. ABASCAL, *Chairman*.

On motion the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred all those portions of the Governor's message relative to the Territorial Library, notaries public, and the amendment of the civil and criminal practice acts, would respectfully report that they have had the same under consideration and herewith report a bill relative to the Territorial Library, which we think covers the points suggested by the Governor's message. As to the other portions of the message referred to us, we have to report that proper and necessary amendments in the laws referred to will be reported.

W. E. CULLEN, *Chairman*.

Mr. Lewis made the following report :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. B. No. 19, An Act requiring witness' and jurors' fees to be paid into the county treasury, and C. B. No. 13, An Act to abolish private seals, have examined the same, and report them correctly engrossed.

I. I. LEWIS, *Chairman*.

The following report was received :

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 31, A Bill to provide for the funding of the outstanding twelve per cent bonds of Jefferson county, Montana Territory, and for other purposes, respectfully report the same back to the Council with the following amendment to section 11 : “ And the treasurer of said county shall cancel all bonds so purchased or redeemed, and all bonds purchased or redeemed as provided for in this act, by writing across the face of such bond or bonds when so purchased or redeemed, the word ‘redeemed,’ and the date of such redemption.” And your Committee recommend that the bill do pass with said amendment.

I. I. LEWIS,
ED. CARDWELL.

On motion of Cullen, the report was adopted and C. B. No. 31 ordered engrossed for a third reading.

Watson made the following report :

MR. PRESIDENT—Your Committee of Ways and Means would report back to the Council C. B. No. 20, entitled An Act in relation to the management of insane persons in Montana Territory, with a recommendation that it pass.

WATSON, *Chairman*.

On motion of Lewis, the report was adopted.

The following report was made :

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 19, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS,
WM. GRAHAM.

On motion of Cullen, the report was adopted.

Cullen gave the following notice :

MR. PRESIDENT—I will on to-morrow, or some subsequent day, introduce a bill for an act entitled An Act concerning chattel mortgages.

CULLEN.

On motion of Watson, C. B. No. 20, An Act in relation to the management of insane persons in Montana Territory, was considered engrossed and read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—11.

Nays—Cullen—1.

Absent—Tatem—1.

Title agreed to.

H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and President—12.

Nays—None.

Absent—Tatem—1.

Title agreed to.

C. B. No. 13, An Act to abolish private seals, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Watson, and President—11.

Nays—Cullen—1.

Absent—Tatem—1.

Title agreed to.

C. B. No. 19, An Act requiring witness' and jurors' fees to be paid into the county treasurer, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and President—12.

Nays—None.

Absent—Tatem—1.

Title agreed to.

Communication from the House received as follows :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 20, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that Mr. Brooke introduced H. B. No. 34, An Act concerning the management of diseased sheep, and the better to protect the interest of wool growing in the Territory of Montana.

Mr. Curtis introduced H. B. No. 35, An Act to amend section 286 of the criminal practice act.

Mr. Tierney introduced H. B. No. 36, A Bill for an act authorizing the county commissioners of Meagher county to appoint a fire warden, and other person.

Mr. Carmichael introduced H. B. No. 37, A Bill for an act to tax jury fees.

That the House passed the accompanying resolution.

House substitute for H. B. No. 6 was passed.

Substitute for H. B. No. 29 passed the House.

That C. J. M. No. 1 passed the House with amendments.

That C. B. No. 11 was read the third time and lost.

Respectfully,

A. H. BARRET,
Chief Clerk.

On motion of Cullen, House amendments to C. J. M. No. 1 were concurred in and the memorial ordered enrolled.

Substitute for H. B. No. 6, A Bill for an act concerning affidavits, was read first and second times, and referred to the Committee on Judiciary.

Substitute for H. B. No. 29, An Act relative to costs in divorce cases, was read first and second times, and referred to the Committee on Judiciary.

H. C. R. No. 1 was read first and second times, and, on motion of Watson, was indefinitely postponed.

Mr. President announced that he had signed C. B. No. 12, An Act concerning printing.

Hays moved to go into Committee of the Whole. Lost by the following vote:

Ayes—Bass, Cardwell, Hays, Lewis, and Watson—5.

Nays — Abascal, Allebaugh, Constans, Cullen, Graham, Hornbuckle, Tatem, and Mr. President—8.

C. B. No. 34, An Act relative to the Territorial Library, was introduced by the Committee on Judiciary.

Read first and second times and referred to the Committee on Education.

Mr. Tatem introduced C. B. No. 35, An Act concerning notaries public.

Read first and second times, and referred to the Committee on Judiciary.

On motion of Tatem, the Council took a recess until 3 o'clock P. M.

3 o'clock P. M.—Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Tatem.

Mr. Cardwell moved to resume the consideration of C. B. No. 18, and make it the special order for 2 o'clock P. M. Saturday, the 22d inst. in Committee of the Whole.

On motion of Mr. Cardwell, the Council adjourned until 10 o'clock to-morrow morning.

HARRY R. COMLY,
Chief Clerk.

NINETEENTH DAY.

January 21, 1876.

Council met pursuant to adjournment, a 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by Rev. E. L. Toy, Chaplain.

Journal of yesterday read and approved.

Mr. Bass, from Printing Committee, reported C. B. No. 22 correctly printed.

On motion of Cullen, C. B. No. 22 was referred to Committee of the Whole.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 24, A Bill for an act to repeal section 7 of an act relative to divorce, and H. B. No. 29, entitled An Act relative to costs in divorce cases, would respectfully report that they have considered the same, and find they cover substantially the same subject matter. We therefore recommend the passage of H. B. No. 29, and that C. B. No. 24 be indefinitely postponed.

W. E. CULLEN, *Chairman.*

On motion of Allebaugh, the report was adopted.

Cullen introduced C. B. No. 36, An Act concerning chattel mortgages.

Was read first and second times and referred to Judiciary Committee.

Mr. Watson, from Committee of Ways and Means, reported C. B. No. 21, and recommended it be referred to Judiciary Committee.

Report adopted. Bill so referred.

Hays moved to make C. B. No. 22 the special order for 2 p. m. 22d inst. to be considered in Committee of the Whole.

Motion withdrawn.

Council went into Committee of the Whole on C. B. No. 22, An Act to authorize the Governor of the Territory to contract for the hire of the labor of Territorial convicts.

Council resumed.

The following communication was received from the Governor :

EXECUTIVE DEPARTMENT, }
HELENA, M. T. Jan. 21, 1876. }

To the Council :

I have the honor to inform the Council that I have this day approved C. B. No. 12, entitled An Act concerning printing.

Respectfully,

B. F. POTTS, *Governor.*

Mr. Abascal, chairman of the Committee of the Whole, reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. B. No. 22, An Act to authorize the Governor of the Territory to contract for the hire of the labor of Territorial convicts, have directed me to report the bill back to the Council, and recommend that the bill be made the special order for Thursday, the 27th of January, in Committee of the Whole.

I. ABASCAL.

On motion of Cullen, the report was adopted.

On motion of Cullen, the Council went into executive session.

Council resumed, and the Clerk was directed to enter upon the journal that the Council had, in executive session, confirmed the appointment of David H. Cuthbert, of Lewis and Clarke county, as Territorial Auditor for the period of two years from January 5th, 1876, and that the Governor be informed by the Clerk of such confirmation.

H. B. No. 29, An Act relative to costs in divorce cases, was read the third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Lewis, Tatem, Watson, and Mr. President—11.

Nays—Messrs. Hays and Hornbuckle—2.

Title agreed to.

On motion of Tatem, the Council adjourned till to-morrow at 2 P. M.

HARRY R. COMLY,
Chief Clerk.

TWENTIETH DAY.

HELENA, Jan. 22, 1876.

Council met pursuant to adjournment at 2 o'clock P. M.

Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The Committee on Enrollment reported that they had handed to the Governor for his action on January 20th, at 11:30 A. M. C. B. No. 12, An Act concerning printing.

The following report was received, and on motion of Cullen, was adopted :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred C. Bs. Nos. 6 and 17, would respectfully report said bills back to the Council with a recommendation that they be indefinitely postponed. They would also ask leave of the Council to introduce the accompanying bill, entitled : An Act to amend sections 3 and 14 of an act providing for the collection of revenue, approved January 12, 1872.

Very respectfully,

T. WATSON, *Chairman.*

Mr. Watson obtained leave of absence.

On motion of Cullen, C. B. No. 37, An Act to amend sections 3 and 14 of an act providing for the collection of revenue, was made the special order for January 25, at 2 P. M. to be considered in Committee of the Whole.

Council went into Committee of the Whole on C. B. No. 18.

Council resumed.

Mr. President announced that he had signed C. J. M. No. 1, H. B. No. 29, An Act relative to costs in divorce cases ; H. B. No. 19, An Act to provide for the payment of the indebtedness of Missoula county ; H. B. No. 17, An Act to amend an act authorizing the county commissioners of the several counties to dispose of the surplus moneys in the different county funds ; H. B. No. 14, An Act to provide for the redemption of the funded debt of Missoula county and to provide for the payment of the interest on the bonds of said county ; and H. B. No. 18, An Act defining the duties of Territorial Auditor.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Jan. 22, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notice of the introduction of bills have been given :

By Moore, of Deer Lodge : A Bill to authorize the courts of justice of the peace and all other courts, to require persons convicted of crime before them to give security to keep the peace.

By Mr. Stuart : A Bill for an act to amend section 47 of chapter 18 of the codified statutes in relation to corporations.

Also, A Bill for an act to prevent hogs from running at large.

By Mr. McCormick : A Bill for an act for the protection of sheep against dogs.

By Mr. Cave : A Bill for the better protection of county bridges.

That Mr. Brooke introduced H. B. No. 38, An Act concerning the management of live stock and to protect the interest of stock growers in Montana.

By Mr. Ford : H. B. No. 39, An Act in relation to counties and county boundaries.

By Mr. Worden : H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose.

By Mr. Curtis : H. B. No. 41, An Act for the relief of D. H. Linebarger, Treasurer of Jefferson county, Montana Territory, and the discharge and release of his official bondsmen as such.

By Mr. Moore, of Deer Lodge: H. B. No. 42, An Act to amend section 1 of an act entitled an act to establish and regulate the fees of assessors, coroners, and other officers in the Territory of Montana, approved May 2, 1873.

By Mr. Sanders: H. B. No. 43, An Act concerning license.

By Mr. Rotwitt: H. J. M. No. 1, To W. W. Belknap, Secretary of the Department of War.

That H. B. No. 28, An Act to amend an act entitled an act to provide for a system of common schools, passed the House.

That C. B. No. 14, An Act to compel owners of toll roads and bridges to keep the same in repair, has passed the House with amendments, and are herewith transmitted.

Respectfully,

A. H. BARRET,
Chief Clerk.

Council again went into Committee of the Whole.

Council resumed.

Mr. Bass reported as follows:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bills No. 16, No. 25 and No. 28, beg leave to report the same correctly printed.

W. E. BASS.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment have examined C. B. No. 31, A Bill to provide for the funding of the outstanding 12 per cent bonds of Jefferson county, Montana Territory, and for other purposes, and report the same correctly engrossed.

I. I. LEWIS, *Chairman.*

Mr. Lewis made a further report, as follows:

MR. PRESIDENT—Your Committee on Engrossment beg leave to report that they have examined C. B. No. 30, An Act to amend section 1 of an act to amend section 7, of chapter 20, of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, and find the same correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Tatem introduced C. B. No. 38, An Act to prevent the purchase and sale of votes, which was read first and second times, and ordered printed.

Mr. Lewis introduced C. J. R. No. 3, in relation to coal oil.

Read first and second times, rules suspended, read third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—12.

Nays—None.

Absent—Watson.

Mr. Tatem moved to concur in House amendments to C. B. No. 14, which motion was lost by the following vote:

Ayes—Bass, Constans, Hornbuckle, and Tatem—4.

Nays—Abascal, Allebaugh, Cardwell, Cullen, Graham, Hays, Lewis, and Mr. President—8.

Absent—Mr. Watson.

Mr. Lewis introduced C. J. R. No. 4.

Read first and second times, and Mr. Hornbuckle moved to amend by making it read a committee consisting of one member from each county, which motion was lost.

On motion of Tatem, the rules were suspended, C. J. R. No. 4 was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—12.

Absent—Watson.

H. B. No. 28, An Act to amend an act entitled an act to provide for a system of common schools, was read first and second times, and referred to the Committee on Education.

Mr. Cullen reported as follows:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill, No. 18, A Bill for an act entitled an act to prohibit the traffic in intoxicating liquors on Sundays and general election days, have instructed me to report the same back to the Council with the recommendation that the same pass, with the following amendment, to-wit: Add to section 4 the following proviso, to-wit: "*Provided that the provisions of this act shall not apply to the counties of Deer Lodge and Beaver Head.*"

W. E. CULLEN, *Chairman.*

On motion of Hays, the report was adopted, and C. B. No. 18 was referred to the Committee on Engrossment

C. B. No. 30, An Act to amend section 1 of an act to amend section 7 of chapter 20 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—11.

Nays—None.

Absent—Mr. Watson.

Title agreed to.

C. B. No. 31, A Bill to provide for the funding of the outstanding 12 per cent bonds of Jefferson county, Montana Territory, and for other purposes, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—11.

Nays—None.

Absent—Messrs. Cullen and Watson.

Title agreed to.

Mr. Constans moved to adjourn until Monday afternoon next at 2 o'clock.

Mr. Hays demanded the ayes and nays, and motion prevailed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Lewis, and Tatam—9.

Nays—Hays, Hornbuckle, and Mr. President—3.

Absent—Mr. Watson.

So the Council adjourned.

HARRY R. COMLY,
Chief Clerk.

TWENTY-SECOND DAY.

January 24, 1876.

Council met pursuant to adjournment at 2 o'clock P. M.

Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. E. L. Toy, Chaplain.

Journal of the twentieth day read and approved.

Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred C. B. No. 27, beg leave to report the same correctly printed.

W. E. BASS.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment respectfully report that they have examined C. B. No. 18, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days, and find the same correctly engrossed as amended.

I. I. LEWIS, *Chairman*.

The following notices were given :

By Mr. Hays: An Act to amend section 1 of chapter 43 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872. Also, A Bill for the relief of Jno. C. Guy.

By Graham: A Bill to amend the school law of Montana Territory.

Mr. Hays introduced the following resolution, and moved its adoption :

Resolved, That the President of the Council appoint a committee of three to confer with the agents of the N. P. R. R. to obtain their proposition in detail regarding the further construction of the N. P. R. R., and that the House be requested to appoint a like committee to act in conjunction with the committee of the Council.

Resolution was adopted, and Messrs. Bass, Cullen and Hays were appointed said committee.

Cullen moved that the vote by which C. J. R. No. 4 was passed be reconsidered, and that it be indefinitely postponed. Motion adopted.

Cullen moved to reconsider the vote by which C. B. No. 37 was referred to Committee of the Whole. Which motion prevailed, and C. B. No. 37 was read first and second times, and, on motion of Watson, the bill was referred to the Committee of the Whole.

Tatem moved that the vote by which C. B. No. 18 was ordered engrossed be reconsidered. Which motion prevailed, and C. B. No. 18 was, on motion of Hays, referred to a committee of three, consisting of Tatem, Constans, and Watson.

C. B. No. 27 was referred to the Committee on Ways and Means.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the twelve per cent bonds, would respectfully report the same back to the Council, with the recom-

mentation that the same be considered in Committee of the Whole.

W. E. CULLEN, *Chairman*.

Report adopted.

The following communication was received :

HOUSE OF REPRESENTATIVES, {
HELENA, Jan. 24, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that Mr. Chessman gave notice of A Bill for an act to provide for the redemption of the funded debt of Lewis and Clarke county.

That Mr. Stuart introduced H. B. No. 44, An Act to prevent hogs from running at large. Also, H. B. No. 45, A Bill for an act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

Respectfully,

A. H. BARRET,

Chief Clerk.

Mr. Watson moved that C. J. R. No. 2 lay on the table until this day week, which motion prevailed.

The Council then went into Committee of the Whole, to consider the general orders.

Council resumed.

Cullen moved that C. Bs. Nos. 6 and 17 be indefinitely postponed. Carried.

Cullen moved to indefinitely postpone C. B. No. 24. Carried.

Watson moved that C. Bs. Nos. 25 and 28 be referred to the Committee of the Whole. Carried.

Mr. Tatem moved that an assessment of 50 cents be laid upon each member in order to procure for the use of the Council some coal oil that will burn, which motion was adopted and the coal oil procured.

Watson moved to adjourn until 10 P. M. to-morrow.

Mr. Tatem moved to amend the time until 2 o'clock P. M. Amendment lost.

Original motion prevailed, and the Council adjourned.

HARRY R. COMLY,
Chief Clerk.

TWENTY-THIRD DAY.

January 25, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—All present.

Journal of yesterday read and approved.

Mr. Tatem reported as follows:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred Council Bills Nos. 16 and 37, would report as follows:

Upon No. 16. That section 8 be amended by adding thereto: *Provided,* That if at any time before July 1st, A. D. 1878, the sum of one hundred dollars or more shall accumulate in the fund set aside under the provisions of this act, for the redemption of bonds, it shall be the duty of the Territori-

al Treasurer to purchase from the holders of the outstanding bonds, issued under the act of January 6th, 1872, at not exceeding their par value, such bonds as he may have funds applicable for such purpose.

That a new section to be numbered 9 be inserted between sections 8 and 9, as follows: "The Treasurer shall register in a book to be kept by him for that purpose, all bonds redeemed by him under the provisions of this act, which book shall show the amount of the bond, its number and date, when, and to whom issued, and when, and from whom redeemed, and shall cancel the bond with a cancelling stamp."

That sections 9 and 10 be re-numbered 10 and 11 respectively.

Upon No. 37: Your Committee would report progress, and ask leave to sit again.

TATEM, *Chairman.*

On motion of Bass, the report was adopted, and C. B. No. 16 ordered engrossed as amended.

Mr. Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary to whom was referred C. B. No. 35, entitled An Act concerning notaries public, would respectfully recommend that said bill be amended by inserting after the word "Governor," in the first line of section 1, the words, "*Shall nominate, and by and with the consent of the Legislative Council.*"

Also, after section 13 of said bill insert the following as section 14, to-wit:

Section 14. It shall be sufficient for any duly qualified notary public to certify an oath or affidavit to be used in this Territory in any of the courts or in any manner whatever, to append his signature to the jurat, and add thereto the words

“notary public,” and such subscription shall be sufficient without the impression of his seal, or other or further addition.

Also, add the following sections :

Section 15. The instrument of protest of any notary public, appointed and qualified under the laws of this Territory, or the laws of any other state or territory in the United States, accompanying any bill of exchange or promissory note, which has been protested by such notary for non-acceptance or non-payment, shall be received in all the courts of this Territory as *prima facie* evidence of the facts therein certified, but any party may contradict by other evidence any such certificate.

Sec. 16. In taking depositions he shall have the same power to compel the attendance of witnesses, and punish witnesses for refusing to testify, which may be vested by law in justices of the peace, and all sheriffs and constables are required to serve and return all processes issued by such notaries in taking depositions.

Amend section 14 of the bill by prefixing thereto the words “That chapter forty-seven of the codified statutes, and,” and numbering said section 17, and the following section No. 18 ; and with these amendments its passage is recommended.

W. E. CULLEN, *Chairman*.

On motion of Bass, the report was adopted, and C. B. 35 ordered engrossed.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 15, An Act in relation to crimes and punishments, would respectfully report the same back to the Council with the recommendation that the same pass.

W. E. CULLEN, *Chairman*.

On motion of Hays, the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 21, An Act providing for the foreclosure of chattel mortgages, would respectfully report the same back to the Council with the recommendation that it do not pass.

W. E. CULLEN, *Chairman*.

C. B. No. 21 was referred to Committee of the Whole.

Mr. Graham introduced C. B. No. 39, An Act to provide for a system of common schools.

Bass moved to suspend the rules ; that the bill be read the first and second times by the title, which motion prevailed.

The bill read first and second times by title, and on motion of Watson, was referred to Printing Committee, with instructions to have printed only such sections of the bill as amended the present school law.

Mr. Hays introduced C. B. No. 40, An Act to amend section 1 of chapter 43, of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872, was read the first time, and Mr. Abascal objected to the further reading of the bill, and the Council refused to reject the bill ; whereupon it was read the second time by title, and referred to Judiciary Committee.

Mr. Lewis introduced C. J. R. No. 5, wick was read first and second times, rules suspended, read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

On motion of Cullen, Messrs. Graham and Allebaugh were appointed a committee of two to confer with a like committee from the House on the condition of C. B. No. 14, An Act to compel the owners of toll roads and bridges to keep the same in repair.

On motion of Watson, the Council went into Committee of the whole on C. B. No. 37.

Council resumed.

On motion of Bass, Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Mr. President in the chair.

Roll called—all present.

Mr. Watson moved to indefinitely postpone C. B. No. 10 and substitute A Bill for taxing jury fees, which motion prevailed, and the bill was indefinitely postponed.

Mr. Tatem reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. B. No. 37, would report the same back to the Council, with the following amendments, viz :

Add to section 1 the following exemptions : “ 8th. Churches, chapels and equipments, and lots of ground appurtenant thereto, from which no rents are derived, and which are used for church purposes.”

“ 9th. All quartz of every kind and grade in the mines or on the dumps, or elsewhere in this Territory.”

“10th. All Masonic, Odd Fellows’, Good Templars’ and Grange halls, from which no rents are derived.”

“11th. Public asylums, hospitals, poor-houses, and other charitable and benevolent institutions for the relief of the indigent and afflicted, with their furniture and equipments, and all grounds and buildings belonging to agricultural societies, so long as the same shall be used for that purpose only, and not for pecuniary gain.”

Very Respectfully,

B. H. TATEM, *Chairman.*

Mr. Tatem moved as follows: That the report be adopted, except the 8th, 10th, and 11th amendments to the bill reported by the committee, which are as follows:

8th. Churches, chapels and equipments and lots of ground appurtenant thereto, from which no rents are derived, and which are used for church purposes.

10th. All Masonic, Odd Fellows’, Good Templars’, and Grange halls, from which no rents are derived.

11th. Public asylums, hospitals, poor-houses, and other charitable and benevolent institutions for the relief of the indigent and afflicted, with their furniture and equipments, and all grounds and buildings belonging to agricultural societies so long as the same shall be used for that purpose only, and not for pecuniary gain.

The motion was lost by the following vote:

Ayes—Allebaugh, Bass, Graham, Lewis, and Tatem—5.

Nays—Abascal, Cardwell, Constans, Cullen, Hays, Hornbuckle, Watson, and Mr. President—8.

Mr. Hays moved to adopt the report of the Committee of the Whole, which motion prevailed by the following vote:

Ayes—Abascal, Allebaugh, Cardwell, Cullen, Hays, Hornbuckle, Watson, and Mr. President—8.

Nays—Bass, Constans, Graham, Lewis, and Tatem—5.

Mr. Cullen moved to lay the bill on the table until to-morrow at 2 o'clock.

Mr. Tatem moved to lay on the table until Friday at 2 o'clock P. M.

The President decided that Mr. Tatem was out of order, and Mr. Tatem appealed from the decision of the Chair, and the Chair was sustained by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Cullen, Graham, Hays, and Watson—8.

Nays—Constans, Hornbuckle, Lewis, and Tatem—4.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Jan. 25, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notices of the introduction of bills were given as follows:

By Mr. McCormick: A Joint Memorial addressed to the Congress of the United States, asking an appropriation for the removal of certain obstructions in Clark's fork of the Columbia.

By Mr. Mead: A Bill for an act to provide for prosecuting attorneys for each county in the Territory.

That Mr. Beal introduced H. B. No. 46, An Act to protect the citizens of Montana Territory from empiricism, and to elevate the medical profession.

By Mr. Chessman: H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county.

By Mr. Cave: H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana.

That H. B. No. 40 and H. J. M. No. 1 have passed the House, and that C. J. M. No. 2 has passed the House with amendments.

All of which are herewith transmitted.

That the House insists upon their amendments to C. B. 14, and asks a committee of conference.

The Speaker appointed Messrs. Sanders, Word, and Curtis as such committee on the part of the House.

The House refused to comply with the request of the Council to appoint a committee to act with a like committee from the Council to confer with the agents of the N. P. R. R.

Respectfully,

A. H. BARRET, *Chief Clerk.*

Mr. Watson moved to concur in House amendments to C. J. M. No. 2, which motion prevailed, and the memorial ordered enrolled.

Mr. Hays moved to add one to committee of conference on C. B. No. 14, which prevailed, and Mr. Hays was added to the committee.

H. J. M. No. 1 was read first and second times.

Mr. Tatem moved to suspend the rules and pass it to its third reading.

H. J. M. No. 1 was read third time.

Mr. Tatem moved to reconsider the vote by which H. J. M. No. 1 was passed to its third reading, and to refer it to Committee on Education, which motion prevailed, and C. J. M. No. 1 was so referred.

H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose, was read first and second times, and, on motion of Bass, the bill was referred to a select committee consisting of Messrs. Bass, Graham, and Abascal.

A communication was received from the Governor in relation to the width of lode claims in Montana, which was read and referred to the Committee on Mines and Minerals.

H. B. No. 15 was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President---13.

Nays---None.

Title agreed to.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 25, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House has passed C. J. R. No. 5, and appointed Messrs. Beal, Rotwitt, and Sweeney as such committee on the part of the House.

Respectfully,

A. H. BARRET,
Chief Clerk.

The Council, having reached the general order, went into Committee of the Whole.

Council resumed.

Cullen moved to adjourn until 10 o'clock to-morrow morning.

Mr. Tatem moved to adjourn until 2 o'clock P. M., which motion was lost, and Mr. Cullen's motion to adjourn till 10 o'clock A. M. to-morrow prevailed.

So the Council adjourned.

HARRY R. COMLY,
Chief Clerk.

TWENTY-FOURTH DAY.

HELENA, Jan, 26, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. W. C. Rommel, Chaplain.

Journal of yesterday read and approved.

Mr. Graham gave notice of the introduction of a bill to repeal section 17 of the civil practice act, passed by the Legislature of Montana Territory, during the eighth regular session.

Mr. President presented a petition from citizens of Deer Lodge and Beaver Head counties, on the subject of a railroad, which was read and referred to the Committee on Roads and Highways.

On motion of Hays, the Printing Committee were instructed to have published by the public printer, the report of the Historical Society.

Mr. Allebaugh, from the Committee of the Whole, reported C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction, with amendments.

The report was adopted and the bill ordered engrossed as amended.

The Council having arrived at the general orders, it resolved itself into Committee of the Whole.

Council resumed.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed.

Roll called—all present.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Jan. 26, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given, as follows :

By Mr. McKnight: An Act to create the new county of Dearborn.

By Mr. Burkett: A Bill to regulate the grade of teachers' certificates, and to provide for teachers' institutes.

By Mr. Sweeney: An Act in relation to mechanics' liens.

By Mr. Ford: A Bill to exempt from execution fire-arms in counties bordering on Indian country.

That C. J. R. No. 5, to appoint a committee to visit the insane asylum, has passed, and Messrs. Beal, Rotwitt, and Sweeney were appointed such committee.

That H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county; that H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for specific purpose; that H. B. No. 46, An act to protect the citizens of Montana Territory from empiricism, and to elevate the medical profession; that H. B. No. 23, An Act to protect game, fur-bearing animals and fish in the Territory of Montana; that H. B. No. 39, An Act in relation to counties and county boundaries; that C. B. No. 31, An Act to provide for the funding of the outstanding 12 per cent bonds of Jefferson county, and for other purposes; that substitute for C. B. No. 13, An Act to abolish private seals, have passed the House.

That H. B. No. 22 was indefinitely postponed.

That C. J. R. No. 3, in relation to coal oil, was indefinitely postponed.

Respectfully,

A. H. BARRET,
Chief Clerk.

C. B. No. 31 was ordered enrolled.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment have examined Council Bill No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the 12 per cent bonds, report the same correctly engrossed.

I. I. LEWIS, *Chairman.*

Substitute for C. B. No. 13 was read first and second times, and referred to the Committee on Judiciary.

H. B. No. 23, A Bill for an act to protect game, fur-bearing animals and fish in the Territory of Montana, was read first and second times, and referred to the Committee on Immigration.

H. B. No. 30, An Act to amend section 630 of the civil practice act, concerning proceedings in probate courts, was read first and second times, and referred to the Committee on Judiciary.

H. B. No. 39, An Act in relation to counties and county boundaries, was read first and second times, and referred to a Select Committee consisting of representatives of Deer Lodge and Choteau counties.

H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism, and to elevate the standing of the medical profession, was read first and second times, and, on motion of Hornbuckle, referred to Committee on Education.

H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county, was read first and second times, and referred to a Select Committee consisting of the members from Lewis and Clarke county.

C. B. No. 16, An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the 12 per cent bonds, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—Mr. Cullen—1.

The Committee of the Whole made the following report :

MR. PRESIDENT—The Committee of the Whole have instructed me to report C. B. No. 21 back to the Council with a recommendation that the bill pass with the following amendments, reference being had to the printed copy of said bill :

Amend section 1. Insert after the word "*money*," the words "*not exceeding the sum of five hundred dollars.*" Insert after the word "*stipulation*," the words "*for further time.*" Add to the end of the section the words "*as now provided by law.*"

Amend section 2. In lines 3 and 4 strike out the words "*at the county seat*," and insert the words, "*at the front door of the court house.*"

Amend section 3. In 1st line strike out the word "*in*," and insert the words "*as prima facie.*"

Amend section 4. Strike out "*ten*," in the second line, and insert "*twenty*," and make the word "*day*," "*days.*"

Amend section 5. Strike out "*deducted*," and insert "*conducted.*"

Amend section 6. Strike out "*carry*," in 3d line, and insert "*convey.*"

Amend section 10. Strike out all after "*court*," in 2d line, and insert "*Provided, The provisions of this act shall not apply to any mortgage or mortgages executed prior to the passage of this act.*"

PH. CONSTANS, *Chairman.*

On motion of Hornbuckle, the report was adopted and the bill ordered engrossed.

Council went into Committee of the Whole to consider the general orders.

Council resumed.

On motion of Bass, the Council adjourned until to-morrow at 2 o'clock P. M.

HARRY R. COMLY,
Chief Clerk.

TWENTY-FIFTH DAY.

January 27th, 1876. ■

Council met pursuant to adjournment at 2 o'clock P. M.

Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. C. Wright, Chaplain.

Journal of yesterday read and approved.

Mr. Cullen reported as follows, which, on motion of Cardwell, was adopted :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred the judges' report, relative to the expenditure of the appropriation for the Territorial Library for the years A. D. 1874 and A. D. 1875, would respectfully report that they have carefully examined the same. The appropriation for 1875, though drawn, has not yet been expended, but we do not doubt that it will be properly applied at an early day to the purposes for which it was appropriated.

The appropriation for the year A. D. 1874 was expended by Hon. F. G. Lewis, late associate justice of the supreme court and judge of the first judicial district court. Of the appropriation for that year much too large a sum was consumed by express charges, and we would respectfully recommend to those whose duty it may be in the future to disburse this fund, the employment of some less expensive means of transportation. We also regret to notice that the distinguished jurist who expended the appropriation for 1874, was not acquainted with that wholesome law of trade, which requires at least two persons in every instance "to make a bargain." Two of the items charged in the account are sales made to the

library by the honorable gentleman himself. As to the first item mentioned as "Sale, per self, two volumes Abb's U. S. Practice, \$15.00," the price paid is considerably more than the same work could have been purchased for, new, from any law book publishing house in the country. The last item mentioned in the account, viz: "Two volumes Law Monthly, \$8.00," appears, upon examination, to be a law journal published in pamphlet form, some years since in the state of Ohio, and to which the honorable gentleman was doubtless a subscriber; subsequently it would seem he had those pamphlets bound in book form, and these are the "law monthlies" referred to in the item. They are about as necessary or as valuable an addition to the library as would be a last year's patent medicine almanac, and their intrinsic value is not much greater. Under these circumstances we do not feel it to be our duty to recommend an appropriation for the thirty-seven cents, which is rather suggestively mentioned in the report as "*Balance due me.*" Indeed, we think that if the judge had dealt with some other vendor of law books, there would have been a small balance the other way.

W. E. CULLEN, *Chairman.*

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment beg leave to report that they have examined C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction; and C. B. No. 35, An Act concerning notaries public, and find them correctly engrossed.

I. I. LEWIS, *Chairman.*

Graham reported as follows:

MR. PRESIDENT—Your Committee on Education would report H. B. No. 46 back to the Council, and recommend that it be referred to the Committee on Judiciary.

Respectfully,
GRAHAM, *Chairman.*

Report adopted, and H. B. No. 46 referred to Committee on Judiciary.

Graham reported as follows :

MR. PRESIDENT—Your Committee on Education hereby request H. J. M. No. 1 back to the Council, and recommend that it be referred to the Committee on Federal Relations.

Respectfully,

GRAHAM, *Chairman.*

Report adopted.

Tatem reported as follows :

MR. PRESIDENT—Your Select Committee, to whom was referred C. B. No. 18, would submit to the Council the following report: Amend section 4 by striking out the word “provided,” with all the words following in said section. With this amendment, we recommend its passage.

TATEM, *Chairman.*

Mr. Tatem moved to adopt the report.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Jan. 27, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that H. Bs. Nos. 34, 35, 36 and 45 have passed the House, and are herewith transmitted.

Respectfully,

A. H. BARRET,

Chief Clerk.

On motion of Tatem to adopt the report of the Select Committee on C. B. No. 18, striking out the exemption of Deer Lodge and Beaverhead from the provisions of the act, Mr. Brown demanded the ayes and nays, and the motion was lost by the following vote :

Ayes—Hays and Tatem—2.

Nays—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hornbuckle, Lewis, Watson, and Mr. President—11.

The following notices were given :

By Cullen : An Act to amend an act in relation to counties and county officers, approved July 12, 1872.

By Bass : A Bill to aid in the construction of the Northern Pacific railroad.

Mr. Graham introduced C. B. No. 41, An Act to repeal section 17 of the civil practice act, passed by the eighth regular session of the Legislature of Montana; was read first and second times and referred to Committee on Judiciary.

Hays introduced C. B. No. 42, An Act to amend chapter 41 (entitled Limitations), of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872; was read first and second times and ordered printed.

Committee of Mines and Minerals reported and introduced C. B. No. 43, An Act defining the length and width of vein or lode quartz claims in the Territory of Montana, was read first and second times and referred to Committee on Printing.

H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, was read first and second times and referred to Committee on Judiciary.

H. B. No. 36, An Act to authorize the county commissioners of Meagher county to appoint a fire warden, and for other purposes, was read first and second times and referred to Committee on Towns and Counties.

H. B. No. 35, A Bill to amend section 286 of the criminal practice act, was read first and second times and referred to the Judiciary Committee.

H. B. No. 34, An Act in relation to diseased animals, was read first and second times and referred to Committee on Agriculture and Manufactures.

C. B. No. 18, An Act to prohibit the traffic in intoxicating liquors on Sundays and general election days, was read third time by the title and lost by the following vote :

Ayes—Allebaugh Bass, Graham and Hays—4.

Nays—Abascal, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson and Mr. President—9.

C. B. No. 28, An Act making the Territorial Auditor *ex-officio* Superintendent of Public Instruction, was read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nay—Graham—1.

Absent—Hays—1.

Title agreed to.

C. B. No. 35, An Act concerning notaries public, was read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Watson moved to take C. B. No. 22 from the Committee of the Whole, and to indefinitely postpone the same, which motion prevailed.

Mr. Graham reported as follows:

MR. PRESIDENT—The Committee of the Whole have directed me to report C. B. No. 25 back to the Council with the following amendments, reference being had to the printed copy:

Amend section 1. Strike out "Governor" in first line, and insert "Territorial Auditor." In fifth line insert "banking," before "corporation."

In 14th line, strike out "person."

Amend section 2. In the first line before "fiscal," insert "banking firm or banking corporation as."

In same line before second word, "agent," insert "fiscal."

In second line after "agency," insert "said banking firm or banking corporation;" and erase the word "he" in second line.

In third line fill blank with "fifty thousand," after "with" insert "at least three."

In the fourth line after "and," strike out "one of the judges of the supreme court," and insert "the Chief Justice of the supreme court, unless in case of his absence, when the judge of the second judicial district shall act in his stead. In the absence of the judge of the second judicial district, then it shall be approved and signed by the judge of the first judicial district."

Amend section 6. In third line strike out "person."

Amend section 7. In fourth line strike out "financial," and insert "fiscal."

Respectfully submitted,

GRAHAM.

On motion of Watson, the report was adopted, and C. B. No. 25 was ordered engrossed as amended.

The Council then went into Committee of the Whole on the general orders.

Council resumed.

On motion of Cardwell, the Council adjourned until 2 o'clock P. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

TWENTY-SIXTH DAY.

January 28, 1876.

Council met pursuant to adjournment, at 2 o'clock P. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by Rev. E. L. Toy, Chaplain.

Journal of yesterday read and approved.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, Jan. 28, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body :

That substitute for H. B. No. 25, An Act apportioning the members of the Legislative Assembly of Montana Territory and prescribing the time of their election, has passed the House.

That H. B. No. 24, A Bill for an act to amend section 656 of the civil practice act, was laid on the table.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred substitute for C. B. No. 13, An Act to abolish private seals, would respectfully report the same back to the Council and recommend its passage.

W. E. CULLEN, *Chairman.*

Report adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred C. B. No. 38, beg leave to report the same correctly printed.

W. E. BASS.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your committee of the Judiciary, to whom was referred H. B. No. 30, entitled A Bill for an act to amend section 630 of the civil practice act, concerning proceedings in probate courts, would respectfully report the same back to the Council with the recommendation that the same pass.

W. E. CULLEN, *Chairman.*

Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. B. No. 21, An Act providing for the foreclosure of chattel mortgages, respectfully report the same with amendments, correctly engrossed.

I. I. LEWIS, *Chairman.*

Mr. Abascal reported as follows :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom H. B. No. 36 was referred, report the same back with recommendation that the bill do pass.

I. ABASCAL, *Chairman.*

On motion on Cullen, the report was adopted.

The following report was received :

MR. PRESIDENT—Your Select Committee, to whom was referred H. B. No. 47, entitled An Act to provide for the redemption of the funded debt of Lewis and Clarke county, would respectfully report the same back to the Council with the recommendation that the same pass.

W. E. CULLEN,
B. H. TATEM,
PH. CONSTANS,
Committee.

On motion of Watson, the report was adopted.

The following report was received :

MR. PRESIDENT—Your Committee on Federal Relations would respectfully report that they have carefully examined the H. J. M. No. 1 as fully as the time at their command will allow, and beg leave to report the same back to the Council, and urge its reference to a Special Committee, composed of the members from Meagher county, with instructions to properly incorporate the "Burd o' Freedom" therein.

TATEM,
GRAHAM,
CULLEN,
Committee on Federal Relations.

On motion of Watson, the report was adopted.

Mr. Bass introduced C. B. No. 44, An Act to aid in the construction of the Northern Pacific railroad.

Read first and second times, and ordered printed.

Mr. Cullen introduced C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved January 12, 1872, which was read first and second times and referred to the Committee on Ways and Means.

The President announced that he had signed H. B. No. 15, An Act in relation to crimes and punishments.

Mr. Bass moved as follows :

MR. PRESIDENT—I move that a special committee of three be appointed to report the number of miles traveled by each member of the Council in attending the ninth session of the Montana Legislature.

W. E. BASS.

Motion adopted, and Messrs. Bass, Hornbuckle, and Cardwell were appointed such committee.

H. B. No. 25, An Act apportioning the members of the Legislative Assembly of Montana Territory, and prescribing, the time of their election. After first reading Mr. Hays objected, and the question being put, " Shall this bill be rejected ? " the question was lost by the following vote:

Ayes—Bass, Cardwell, Graham, Hays, and Lewis—5.

Nays—Abascal, Allebaugh, Constans, Cullen, Hornbuckle Tatem, Watson, and Mr. President—8.

So the bill was not rejected, and was read the second time and referred to the Committee on Elections.

C. B. No. 21, An Act providing for the foreclosure of chattel mortgages, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—10.

Nays—Cullen, Graham, and Hays—3.

Title agreed to.

H. B. No. 36, An Act to provide for fire wardens in the Territory of Montana, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Hays moved that C. B. 37, An Act to amend sections 3 and 14 of an act providing for the collection of revenue, be taken from the Committee of the Whole, and indefinitely postponed.

Mr. Cullen called for a division of the question, and the question, "Shall the bill be taken from the Committee of the Whole?" was lost, and the Council went into Committee of the Whole to consider the general orders.

Council resumed.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee on the Judiciary, to whom was referred substitute for H. B. No. 6, entitled A Bill for an act concerning affidavits, would respectfully recommend that the same be amended by striking out section 1 of said bill. Also, strike out the words "*whether*" and "*or without*," in the 7th line of section 2.

W. E. CULLEN, *Chairman*.

On motion of Lewis, the report was adopted, and the amendments ordered engrossed.

Mr. Hays offered the following resolution, and moved its adoption:

Resolved, That this Council will not take any action on any H. B. which has been printed, until we receive the printed copy.

Mr. Tatem moved to amend so as to make the resolution apply to subsequent bills. Amendment accepted, and the resolution was adopted.

H. B. No. 6, An Act concerning affidavits, was read the third time and passed, as amended, by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

C. B. No. 38 was, on motion of Cullen, referred to the Committee on Elections.

On motion of Tatem, the Council adjourned until 2 o'clock P. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

TWENTY-SEVENTH DAY.

January 29, 1876.

Council met pursuant to adjournment at 2 o'clock P. M.

Mr. President in the Chair.

Roll called—all present.

Journal of yesterday read and approved.

On motion of Hornbuckle, Mr. Cullen was granted leave of absence for the afternoon.

Mr. President announced that he had signed three copies of C. J. M. No. 2, and C. B. No. 31, A Bill to provide for the funding of the outstanding 12 per cent bonds of Jefferson county, Montana Territory, and for other purposes.

Mr. Watson reported as follows :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred C. B. No. 45, An Act relating to counties and county officers, approved January 12, 1872, report the same back, and recommend its passage.

WATSON, *Chairman*.

Report adopted.

Mr. Allebaugh reported that the Committee of the Whole had directed him to report C. B. No. 37 back to the Council with amendments in addition to the amendments already adopted by the Council.

On motion of Watson, the report was adopted.

Mr. Hays moved to refer to Committee of Ways and Means. Lost.

Mr. Hays moved to indefinitely postpone the bill. Lost by the following vote :

Ayes—Bass, Graham, and Hays—3.

Nays—Abascal, Allebaugh, Cardwell, Constans, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—9.

Absent--Mr. Cullen.

And, on motion of Hornbuckle, it was referred to Committee of the Whole.

Mr. Abascal reported as follows :

MR. PRESIDENT---Your committee composed of the Council from the counties of Deer Lodge and Chouteau, to whom was referred H. B. No. 39, ask leave to make the following report :

Having had the same under consideration, find that the said bill is for the purpose of changing the boundary lines of the counties of Deer Lodge and Chouteau, and making the same more certain and understood by the ministerial officers of both of the counties, as well as the courts of justice in the said counties ; and further, this change in the boundary line between the counties of Deer Lodge and Chouteau places all that portion of the country lying northeast of the summit of the Rocky mountains in the county of Chouteau. We therefore report the bill back to the Council, and recommend its passage.

I. ABASCAL,

Chairman said Committee.

H. B. No. 39 was made special order for Tuesday, Feb. 1st.

Mr. Tatem reported as follows :

MR. PRESIDENT—Your Committee on Enrollment would report C. J. M. No. 2 and C. B. No. 31 correctly enrolled.

TATEM, *Chairman.*

Mr. Lewis reported :

MR. PRESIDENT — Your Committee on Engrossment, to whom was referred C. B. No. 25, with amendments thereto, respectfully report the same correctly engrossed as amended.

I. I. LEWIS, *Chairman.*

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Agriculture and Manufactures, to whom was referred C. B. No. 26, beg leave to report the same back to the Council, with the recommendation that it do pass.

W. E. BASS, *Chairman.*

On motion of Hays, the report was adopted.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Committee on Immigration, to whom was referred H. B. No. 23, have carefully examined the same, and would recommend the same do pass, with the following amendments: In section 1 strike out the words, “or have.” Add to section 3 the following: “That nothing contained in this section shall prevent owners of land from catching or killing beaver on their own lands.”

All of which is respectfully submitted.

HORNBUCKLE, *Chairman.*

On motion of Watson, report was adopted and referred to Committee of the Whole, together with the bill.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Jan. 29, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given as follows :

By Mr. Curtis: A Bill for an act to amend an act entitled an act to prevent swine from running at large.

By Mr. Burkett: An Act relative to removing the seat of government of the Territory of Montana. Also, An Act relative to taxing dogs.

By Mr. Ford: A Bill giving justices of the peace and probate judges certain powers in certain cases.

That bills were introduced as follows :

By Mr. Curtis: H. B. No. 50, An Act to facilitate matrimony.

By Word: H. B. No. 51, An Act concerning judgments in justice courts.

By McCormick: H. B. No. 52, An Act concerning divorce.

By McKnight: H. B. No. 53, An Act to create the new county of Dearborn.

By Worden: H. B. No. 54, An Act to protect agricultural societies.

By Moore, of Deer Lodge: H. B. No. 55, An Act to amend sections 1 and 2 of an act to regulate and establish the fees of witnesses, jurors, and certain officers of Montana Territory, approved April 29th, 1873.

By Brooke: H. B. No. 56, An Act to authorize the citizens of Jefferson county to change the county seat of said county from Radersburg to Jefferson City.

By Mr. Word, from Judiciary Committee: H. B. No. 57, An Act concerning motions.

That H. B. No. 26, An Act to provide for the funding of the debt of Madison county;

That substitute for H. B. No. 21, An Act to provide for the transfer of road moneys in certain cases, to the benefit of the public schools;

That H. B. 48, An Act for the protection of public bridges in Montana Territory, have passed the House.

That C. B. No. 30, An Act defining the boundary lines of Meagher county, with amendments, has passed the House.

That C. B. No. 2, An Act requiring butchers to keep a record of animals purchased and slaughtered by them. The

House adopted a substitute, and upon third reading the substitute was lost.

Respectfully,

A. H. BARRET,
Chief Clerk.

The following report was received and adopted.

MR. PRESIDENT—Your special Committee, to whom was referred H. B. No. 40, beg leave to report the same back to the Council, and recommend that the following amendments be adopted :

Make the following section 2, and change other sections to correspond :

Provided, That before said board of county commissioners shall appropriate any money authorized by the provisions of this act, they are hereby authorized and instructed to employ the county surveyor of Missoula county to survey, stake out and locate a working line for said wagon road, between the points mentioned in section 1 of this act, with a grade not to exceed in any part of said road, one foot to each rod, and said commissioners are hereby instructed to require bonds with good security, for a sum not less than four thousand dollars, of the parties or party contracting to do such grading, conditioned that they shall do such grading strictly according to survey; and said commissioners are hereby prohibited from paying any money for any part of said grading until said graded wagon road is all completed between the points above mentioned.

BASS,
GRAHAM,
ABASCAL.

Mr. Hays introduced C. B. No. 46, A Bill for an act for the relief of John C. Guy, read first and second times, and referred to committee of Constans, Hornbuckle, and Cardwell.

Lewis, by consent, introduced C. B. No. 47, An Act to amend sections 244 and 247 of chapter 11, of the civil practice act, codified laws of Montana Territory, which was read first and second times and referred to the Committee on Judiciary.

Mr. Watson introduced C. J. R. No. 6, in relation to printing, which was read first and second times, and on motion of Watson, was referred to Committee on printing.

On motion of Abascal, C. B. No. 30 was laid on the table until next Tuesday, Feb. 1st.

H. B. 26, An Act to provide for the funding of the debt of Madison county, was read first and second times and referred to the members from Madison and Beaverhead counties.

H. B. No. 21, An Act to provide for the transfer of road moneys in certain cases to the benefit of the public schools, was read first and second times, and referred to Committee of Roads and Highways.

H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana, was read first and second times, and referred to Committee of Roads and Highways.

H. B. No. 30, A Bill for an act to amend section 630 of the civil practice act, concerning proceedings in probate courts, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Lewis, Watson, and Mr. President—10.

Nays—Hornbuckle and Tatem—2.

Absent—Cullen.

Title agreed to.

H. B. No. 47 was re-committed to the members from Lewis and Clarke county.

Watson moved that C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved January 12, 1872, be considered engrossed, and read third time, which motion prevailed, and the bill read third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—None.

Absent—Cullen.

Title agreed to.

C. B. No. 25, An Act abolishing the office of Territorial Treasurer, and providing for the appointment of a fiscal agent for the Territory of Montana, was read third time and passed by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, and Watson—10.

Nays—Allebaugh, and Mr. President—2.

Absent—Cullen.

Title agreed to.

C. B. No. 26, An Act to exempt woolen mills and their machinery from taxation, on motion of Hornbuckle was considered engrossed, read third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hays, Hornbuckle, Lewis, Tatem, and Watson—10.

Nays—2.

Absent—Cullen.

Title agreed to.

Mr. Watson moved to re-consider the vote by which C. B. No. 37 was referred to Committee of the Whole, and that it be ordered engrossed for third reading, which motion prevailed, and the bill ordered engrossed.

Council went into Committee of the Whole on the general orders.

Council resumed.

On motion of Watson, the Council adjourned until Monday morning next at 10 o'clock.

HARRY R. COMLY,
Chief Clerk.

TWENTY-NINTH DAY.

January 31, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.

Mr. President in the chair.

Roll called—all present.

Prayer by the Rev. E. L. Toy, Chaplain.

Journal of January 29th read and approved.

Mr Cardwell reported as follows :

MR. PRESIDENT—Your Committee on Elections, to whom was referred substitute for H. B. No. 25, report the same back

to the Council in Committee of the Whole, without recommendation.

CARDWELL, *Chairman*.

Mr. Tatem, from Enrollment Committee, reported that C. B. No. 31 had been handed to the Governor at 10 A. M. January 31st.

Watson moved to refer H. B. No. 25 to Committee of the Whole and made the special order for to-morrow afternoon at 2 o'clock, which motion was lost.

Mr. Hays moved to indefinitely postpone H. B. No. 25.

Tatem moved to amend that the bill be made the special order for 3 o'clock. Lost.

Mr. Hays' motion to indefinitely postpone the bill prevailed by the following vote:

Ayes—Abascal, Bass, Cardwell, Cullen, Graham, Hays, Lewis, and President—8.

Nays—Allebaugh, Constans, Hornbuckle, Tatem, Watson—5.

Mr. Cullen gave notice that he would move to reconsider the vote by which H. B. No. 25 was indefinitely postponed.

Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 46, entitled An Act to protect the citizens of Montana Territory from empiricism, and to elevate the standing of the medical profession, would respectfully report the same back to the Council and recommend its passage.

CULLEN, *Chairman*.

Report adopted.

Mr. Cullen made a further report:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 45, entitled An Act prescribing proof of existence of corporations, would respectfully report the same back to the Council, and recommand its passage.

W. E. CULLEN, *Chairman.*

On motion of Hornbuckle, report adopted.

Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 36, entitled An Act concerning chattel mortgages, would respectfully report the same back to the Council and recommend its passage.

W. E. CULLEN, *Chairman.*

On motion of Hornbuckle, the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 40, would respectfully report the same back to the Council and recommend its passage with the following amendments: In section 1 strike out "eighteen" and insert "twenty-one," also, strike out "fourteen" and insert "eighteen."

Also, add the following as section 2: "Section 2. No marriage shall be solemnized when either or both of the parties are under age, unless the consent of the parents or guardians shall be personally given before the person solemnizing such marriage, or certified under the hand of such parent or guardian, attested by two witnesses, one of which shall appear before some officer qualified to administer an oath, and make affidavit that he saw such parent or guardian subscribe such certificate or acknowledge the execution of the same."

On motion of Hays, report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Select Committee, to whom was referred H. B. No. 47, entitled An Act to provide for the redemption of the funded debt of Lewis and Clarke county, would respectfully recommend that the same pass with the following amendment, to-wit :

Add the following as section 7 : “Section 7. The Treasurer shall register, in a book to be kept by him for that purpose, all bonds redeemed by him, which book shall show the amount of the bond, its number and date, when and to whom issued, and when and from whom redeemed ; said treasurer shall also write across the face of said bond in red ink, the word ‘redeemed,’ with the date of such redemption, and shall subscribe his name thereto ; he shall also cancel said bond with a cancelling stamp.”

Also, number section 7 of said bill section 8.

W. E. CULLEN,
PH. CONSTANS,
B. H. TATEM.

On motion of Constans, the report was adopted.

The following notices were given :

MR. PRESIDENT—I will on to-morrow or some subsequent day introduce a bill for an act entitled An Act concerning and defining tax deeds ; also, a bill for an act entitled An Act to prevent double taxation.

W. E. CULLEN.

MR. PRESIDENT—I hereby give notice that on to-morrow or some subsequent day, I will introduce a bill for an act proposing aid to the United States government in making navigable the upper Missouri and Yellowstone rivers.

LEWIS.

Mr. Hornbuckle introduced C. B. No. 48, An Act concerning water rights. Read first and second times and referred to Committee on Mines and Minerals.

The following communication was received :

HOUSE OF REPRESENTATIVES,
HELENA, M. T. Jan. 31, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills were given as follows :

By Mr. Reed: A bill to prohibit the sale of intoxicating drinks on Sundays and election days.

By Mr. Woodlock: An act for the protection of miners.

By Mr. Stuart: An Act for the relief of A. H. Mitchell.

Also, An Act for the relief of H. A. D'Acheul.

Also, An Act for the relief James H. Mills.

That the following bills were introduced :

By Mr. Curtis: H. B. No. 58, An Act to amend an act entitled an act to prevent swine running at large.

By Mr. McCormick: H. B. No. 59, An Act to provide for the care, support and maintenance of the sick, poor and infirm of the several counties.

By Mr. Burkett: H. B. No. 60, An Act relative to taxing dogs.

By Mr. Moore, of Deer Lodge: H. B. No. 61, An Act to authorize the courts of justices of the peace and other courts, to require persons convicted of crime before them, to give security to keep the peace.

By Mr. Kenneally: H. B. No. 62, An Act in relation to quartz claims.

That Mr. McCormick has introduced H. J. M. No. 3.

That the following bills have passed the House :

H. B. No. 9, An Act in relation to records.

Substitute H. B. No. 42, A Bill for an act to amend section 1 of an act entitled an act to establish and regulate the fees of assessors, coronors and other officers in the Territory of Montana, approved May 2, 1873, the title was amended so as read, An Act to facilitate and enforce the performance of official duties.

H. J. M. No. 2.

All of which are herewith transmitted.

That the House refuses to concur in Council amendments to H. B. No. 6, and asks the Council to recede.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Hays introduced C. J. R. No. 7, appropriating moneys for recorder of marks and brands. Was read first and second times, and referred to the Committee on Printing.

On motion of Cullen, the Council voted to insist upon its amendments to H. B. No. 6.

H. B. No. 9, A Bill for an act relative to records, was read first and second times, and referred to the Judiciary Committee.

H. B. No. 42, A Bill for an act to amend section 1 of an act entitled an act to establish and regulate the fees of assessors, coroners and other officers in the Territory of Montana, approved May 2, 1873, was read first and second times, and referred to Judiciary Committee.

H. J. M. No. 2 was read first and second times, and referred to the Committee on Public Lands.

H. B. No. 40, An Act authorizing the county commissioners of Missoula county to apply certain funds of said county for a specific purpose, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred House Bill No. 23, An Act to protect game, fur-bearing animals and fish in the Territory of Montana, have instructed me to report the same back to the Council with the following amendments:

Amend section 1 by striking out of the sixth line the words "or hare," and insert in the same line, before the word "antelope," the word "or."

Amend section 3 by adding thereto the following: "That nothing contained in this section shall prevent owners of land from catching or killing beaver on their own lands."

Amend section 7 by striking out of the fifth line thereof the word "positive," and insert in place thereof the words "*prima facie*."

Amend section 10 by inserting after the word "any," in the seventh line, the words "person or."

Amend section 14 by adding thereto the following: "And the district court shall have concurrent jurisdiction with the probate court, of all offenses committed under the provisions of this act."

Recommending that the bill so amended do pass.

I. I. LEWIS, *Chairman*.

On motion, the report was adopted, and the amendments ordered engrossed for a third reading.

On motion, the Council took a recess until 2 o'clock p. m.

2 o'clock p. m.—Council resumed.

Roll called—absent, Cullen.

Mr. Bass reported C. B. No. 39 correctly printed.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Committee, to whom was referred H. J. M. No. 1, beg leave to report the same back, with the recommendation that it do pass.

HORNBUCKLE.

On motion of Hays, the report was adopted.

Cullen gave notice as follows :

MR. PRESIDENT—I will on to-morrow, or some subsequent day, introduce a bill for an act entitled an act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana, approved January 12, 1872, and for other purposes.

CULLEN.

Bass gave notice as follows :

MR. PRESIDENT—I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill to repeal section, 5 of chapter LXIV. of general and miscellaneous laws, approved January 10th, 1872.

W. E. BASS.

Mr. Hornbuckle introduced C. B. No. 49, An Act to provide means to construct a trans-continental railroad *via* the principal commercial centers of the Territory of Montana, and for other purposes, which was read the first time, and Cullen objected, whereupon the bill was rejected.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. B. No. 37, with amendments thereto, An Act to amend sections 3 and 14 of an act providing for the collection of revenue, respectfully report the same correctly engrossed, and recommend that the title thereto be amended so as to read as follows: “An Act to amend sections 3, 14, 15, and 31 of an act providing for the collection of revenue, and to amend section 1 of an act entitled an act to regulate and establish the fees of county treasurers, approved April 30, 1873, and for other purposes.”

I. I. LEWIS, *Chairman.*

H. B. No. 47, An Act to provide for the redemption of the funded debt of Lewis and Clarke county, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

The following communication was received :

MONTANA TERRITORY, }
EXECUTIVE DEPARTMENT, }
HELENA, Jan. 31, 1876. }

To the Council :

I have the honor to inform the Council that on the 21st day of January, 1876, I approved C. B. No. 4, entitled An Act to repeal an act concerning the management of live stock.

Also, on the 31st day of January, A. D. 1876, I approved C. B. No. 31, entitled An Act for the funding of the outstanding 12 per cent bonds of Jefferson county, Montana Territory.

Very Respectfully,

B. F. POTTS, *Governor.*

H. B. No. 23, An Act to protect game, fur-bearing animals, and fish in the Territory of Montana, was read third time, and, by unanimous consent, was amended as follows: Amend section 13—in 13th line strike out “*informing the nearest magistrate that,*” and insert, “*making complaint of the commission of.*” In 14th and 15th lines strike out “*has been committed,*” and passed by the following vote:

Ayes—Abascal, Bass, Constans, Graham, Hays, Hornbuckle, Tatem, and Mr. President—8.

Nays—Cardwell, Cullen, Lewis, and Watson—4.

Absent---Allebaugh.

Title agreed to.

C. B. No. 39 was referred to Committee on Education.

C. B. No. 40 was ordered engrossed.

C. B. No. 37 being upon its third reading, Mr. Graham offered the following amendment: Amend 6th exemption of section 1, after “private,” add the words, “when not exceeding five hundred dollars in value.”

Mr. Tatem objected to its reception.

Mr. Tatem moved to reconsider the action by which C. B. No. 37 was read third time, which motion prevailed, and the bill was referred to Committee on Ways and Means.

H. B. No. 45, An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, was read third time and passed by the following vote :

Ayes—Allebaugh, Bass, Cardwell, Cullen, Graham, Lewis, and Watson—7.

Nays—Abascal, Constans, Hays, Hornbuckle, Tatem, and Mr. President—6.

Title agreed to.

H. B. No. 46, An Act to protect the citizens of the Territory of Montana from empiricism, and to elevate the standing of the medical profession, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—Graham—1.

Title agreed to.

On motion of Cullen, C. B. No. 36 was considered engrossed, read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Substitute for C. B. No. 13 was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bas^e, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, and Watson—10.

Nays—Cardwell and Mr. President—2.

Title agreed to.

And the Clerk was instructed by the Council to report the action of the Council to the House, and to hand the bill to the Enrolling Committee of the Council.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Jan. 31, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that the House insist on their refusal to concur in Council amendments to H. B. No. 6, and ask a committee of conference.

That the House have appointed Messrs. Sanders and Word as such committee on the part of the House.

Respectfully,

A. H. BARRET,
Chief Clerk.

On motion of Watson, a committee of conference consisting of Messrs. Cullen and Watson was appointed on H. B. No. 6.

On motion of Tatem, the Council adjourned until to-morrow at 2 P. M.

HARRY R. COMLY,
Chief Clerk.

THIRTIETH DAY.

February 1, 1876.

Council met pursuant to adjournment at 2 o'clock P. M.

Mr. President in the chair.

Roll called—All present.

Journal of yesterday read and approved.

Prayer by the Chaplain.

Mr. Hays reported as follows :

MR. PRESIDENT—Your Committee on Public Lands, to whom was referred H. J. M. No. 2, would respectfully refer the same back with a recommendation that it do pass.

W. O. P. HAYS.

On motion of Hornbuckle, report adopted.

Mr. Watson reported as follows :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred C. B. No. 37, beg leave to report the same back to the Council with the following amendment: Add after the word "private," in the sixth sub-division of section 1, the following: "Provided that all property mentioned in the sixth sub-division except public libraries over five hundred dollars, shall be subject to taxation." And recommend its passage.

WATSON.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred C. B. No. 48, beg leave to submit the following substitutes or amendments: Where the word "*viaduct*"

occurs in said bill substitute the word "*aqueduct.*" With the amendments we recommend the same do pass.

HORNBUCKLE, *Chairman.*

Report adopted.

Mr. Tatem reported as follows :

MR. PRESIDENT—Your Committee on Enrollment would report C. B. No. 13 correctly enrolled.

TATEM, *Chairman.*

The following report was received :

MR. PRESIDENT—Your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 34, beg leave to report the same back to the Council with the recommendation that the following amendments be adopted : Amend section 1 by striking out all of said section after the word "*herded,*" in tenth line. Amend section 3 by striking out the words "*Highways or*" in fifth line.

W. E. BASS,

W. O. P. HAYS.

On motion of Abascal, the report was adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred C. B. No. 44, beg leave to report the same correctly printed.

W. E. BASS.

And the bill was referred to Committee on Roads and Highways.

The following report was received :

MR. PRESIDENT—Your Committee on Roads and Highways, to whom was referred H. B. No. 48, beg leave to report the

same back to the Council with the recommendation that it do pass.

W. E. BASS,
J. ABASCAL.

On motion of Hays, report adopted.

Mr. Cardwell reported as follows :

MR. PRESIDENT—Your Committee to whom was referred C. B. No. 38, report the same back to the Council with the recommendation that it do pass.

CARDWELL, *Chairman*.

On motion of Cullen, the report was received.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. B. No. 40, respectfully report that they have examined the same, and find it correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Cullen introduced C. B. No. 50, An Act to prevent double taxation. Was read first and second times and referred to Committee on Ways and Means.

Mr. Cullen introduced C. B. No. 51, An Act concerning and defining tax deeds, was read first time, and Mr. Watson objected, and the question, "Shall this bill be rejected?" was lost and the bill read a second time by title and referred to Committee on Printing, and ordered printed.

Mr. Abascal introduced C. B. No. 52, An Act in relation to the sale of real estate and easements under order of sale or execution. Was read first and second times, and referred to Committee on Printing.

Mr. Lewis introduced C. B. No. 53, An Act proposing aid to the United States government in making navigable the

upper Missouri and Yellowstone rivers. Was read first and second times and ordered printed.

Mr. President announced that he had signed H. Bs. Nos. 40, 30, and 36.

Mr. Cullen moved to reconsider the vote by which H. B. No. 25 was indefinitely postponed.

Mr. Hays moved to lay the motion on the table, which motion prevailed by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Graham, Hays, Lewis, and President—8.

Nays—Allebaugh, Cullen, Hornbuckle, Tatem, and Watson—5.

Mr. Hornbuckle moved that H. B. No. 34 be referred to the Committee of the Whole, which motion prevailed.

On motion of Hays, C. B. No. 48 was ordered printed.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 1, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House concurred in the amendments of the Council to H. B. No. 40.

That notices were given as follows:

By Mr. Mead: A Bill for an act prescribing the jurisdiction of the courts of this Territory in criminal cases.

Also, A Bill for an act governing the estates of, and the manner of service of summons, and other process, upon Territorial convicts.

Also, A Bill for an act awarding and taxing costs in criminal cases.

By Mr. Carmichael: A bill for an act creating the new county of Grant.

That bills were introduced as follows:

By Mr. Reed: H. B. No. 63, An Act to prohibit the sale of intoxicating drinks on Sundays and election days.

By Mr. Stuart: H. B. No. 64, An Act for the relief of H. A. D'Acheul.

Also, H. B. No. 65, An Act for the relief of James H. Mills.

Also, H. B. No. 66, An Act for the relief of Dr. A. H. Mitchell.

By Mr. Woodlock: H. B. No. 67, An Act to amend section 260 of an act entitled an act to regulate proceedings in the courts of justice of the Territory of Montana.

That the following bills have passed the House, and are herewith transmitted:

H. B. No. 57, An Act concerning motions.

H. B. No. 51, An Act concerning judgments in justices' courts.

H. B. No. 27, An Act to incorporate the town of Helena.

That C. B. No. 28 was lost on the final vote in the House.

That leave being granted, Mr. Carmichael introduced H. B. No. 68, An Act for the relief of minor heirs in certain cases.

Respectfully,

A. H. BARRET,
Chief Clerk.

H. B. No. 27, A Bill for an act to incorporate the town of Helena, was, on motion of Cullen, read first and second times by title, and referred to the members of the Council from Lewis and Clarke.

H. B. No. 57, An Act concerning motions, was read first and second times, and referred to the Judiciary Committee.

H. B. No. 51, An Act concerning judgments in justices' courts, was read first and second times, and referred to the Judiciary Committee.

H. J. M. No. 1 was read the third time and passed by the following vote :

Ayes—Abascal, Bass, Cardwell, Constans, Hays, Hornbuckle, and Lewis—7.

Nays—Allebaugh, Cullen, Graham, Tatem, Watson, and Mr. President—6.

C. B. No. 40, An Act to amend section 1 of chapter 43 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872, was read the third time and lost by the following vote :

Ayes—Bass, Cardwell, Constans, Cullen, Hornbuckle, and Lewis—6.

Nays—Abascal, Allebaugh, Graham, Hays, Tatem, Watson, and Mr. President—7.

Mr. Tatem moved that C. B. No. 38 be considered engrossed and read a third time, which motion prevailed, and the bill passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—12.

Nays—Watson.

Title agreed to.

The Council went into Committee of the Whole to consider the general orders.

Council resumed.

The Committee of the Whole reported as follows:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. B. No. 30, and H. B. No. 39, would report the same back to the Council without recommendation.

TATEM, *Chairman*.

On motion, the report was received and adopted.

On motion of Cullen, H. B. No. 39 was referred to a committee of the members from Chouteau and Deer Lodge.

Mr. Tatem moved to strike out the amendment reported by the Committee on Ways and Means on C. B. No. 37.

Mr. Watson demanded the ayes and nays, and the motion prevailed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Lewis, and Tatem—9.

Nays—Hays, Hornbuckle, Watson, and Mr. President—4.

On motion of Tatem, C. B. No. 37 was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Lewis, Tatem, Watson, and Mr. President—10.

Nays—Graham, Hays, and Hornbuckle—3.

The title was amended, on motion of Watson, so as to read as follows:

“An Act to amend sections 3, 14, 15 and 31 of an act providing for the collection of revenue,” and to amend “section 1 of an act entitled and act to regulate and establish the fees of county treasurers, approved April 30, 1873, and for other purposes.”

On motion of Tatem, the Council adjourned until 2 P. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

THIRTY-FIRST DAY.

February 2, 1876.

Council met pursuant to adjournment, at 2 o'clock P. M., Mr. President in the chair.

Roll called—All present.

Prayer by Rev. W. C. Rommel, Chaplain.

Journal of yesterday read and approved.

Mr. President announced that he had signed C. B. No. 13, An Act to abolish private seals.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
February 2, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House concurred in Council amendments to House Bills 23 and 47.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Graham reported as follows :

MR. PRESIDENT—Your Committee on Education hereby report Council Bill No. 39 back to the Council with the following amendments, and request its passage :

GRAHAM, *Chairman.*

In section 27 after the word "him," in thirteenth line of the printed copy, insert "and in districts containing 300 school children or upwards, the trustees shall be authorized to pay the clerk an additional sum, not exceeding \$100, as a compensation for the performance of all other duties herein required of him."

In section 45, fifteenth line of printed copy, change the figures "12" to "10;" in same line, after the word "cent," insert the words "per annum."

In section 45, thirty-third line of printed copy, after the word "manner," insert the following: "But without the necessity of again submitting to the vote of the district the question whether such expenditure shall be authorized."

Section 47, in third line of printed copy, insert, after the word "children," "whose parents are taxed;" on same third line, erase words "who are;" in fourth line, erase the word "not," and insert the word "or;" in same fourth line, after the word "shall," strike out the word "not."

Mr. Cullen moved that the bill and report be referred to the Committee of the Whole, for this afternoon under the head of general orders.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 51, entitled An Act concerning judgments in justices' courts, would respectfully report the same

back to the Council with the recommendation that the same pass.

CULLEN, *Chairman*.

The following report was received :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred C. B. No. 50, An Act to prevent double taxation, would report the same back, amended as follows :

Section 1. No mortgage or lien given and held upon real estate or personal property duly assessed, or the debts thereby secured, or promissory notes secured by mortgage upon such real estate or personal property, shall be assessed by any county or other assessor.

With this amendment your committee recommend that said bill do pass.

THOS. WATSON,

W. E. BASS,

B. H. TATEM,

Committee of Ways and Means.

On motion of Cullen, the report was adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bills No. 42 and No. 43, beg leave to report the same correctly printed.

W. E. BASS.

The following report was received :

MR. PRESIDENT—Your Special Committee from Deer Lodge and Chouteau counties, hereby report H. B. No. 39 back to the Council, and request that the same be passed.

W. GRAHAM,

J. ABASCAL,

HORNBUCKLE.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 30, beg leave to report the same back, and recommend that the Council concur in House amendments, and that the same do pass.

HORNBUCKLE.

On motion of Abascal, the report was adopted.

On motion of Lewis, C. B. No. 43 was referred to Committee on Mines and Minerals.

Mr. President announced that he had signed H. B. No. 46 and H. B. No. 45.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 47, entitled An Act to amend sections 244 and 247 of chapter 11 of the civil practice act, codified laws of Montana Territory, would respectfully report the same back to the Council, and recommend its passage.

W. E. CULLEN, *Chairman*.

On motion of Hays, the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 41, entitled An Act to repeal section 17 of the civil practice act, would respectfully report the same back to the Council, with the recommendation that it be referred to the Committee of the Whole House.

W. E. CULLEN, *Chairman*.

On motion of Cullen, the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 9, entitled An Act relative to records, would respectfully report the same back to the Council, and recommend that the same be amended by inserting after the words "land office," in line 4 of the second section of said bill, the words, "*and the Register and Receiver's receipt, or certificate, mentioned in section one of this act,*" also, in said line strike out the word "*shall,*" and insert the word "*may,*" and with these amendments we recommend the passage of the bill.

W. E. CULLEN, *Chairman.*

On motion of Lewis, the report was adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 42, entitled An Act to facilitate and enforce the performance of official duties, would respectfully recommend that section 5 of said bill be stricken out.

W. E. CULLEN, *Chairman.*

On motion of Lewis, the report was adopted.

The Enrollment Committee reported that they had handed to the Governor this day, February 2d, C. B. No. 13.

Mr. Cullen moved to concur in House amendments to C. B. No. 30, which motion prevailed, and the bill was ordered enrolled.

H. B. No. 48, An Act for the protection of public bridges in the Territory of Montana, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President--12.

Nays---None.

Absent---Bass.

Title agreed to.

H. J. M. No. 2 was read third time and lost by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Hays—5.

Nays—Constans, Cullen, Graham, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—8.

H. B. No. 51, An Act concerning judgments in justices' courts, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—12.

Nays—None.

Excused—Tatem.

H. B. No. 39, An Act in relation to counties and county boundaries, was read third time and, on motion of Cullen, the action of the Council was reconsidered, and the bill was referred to a committee consisting of Cullen, Hornbuckle, and Abascal.

Council went into Committee of the Whole on the general orders.

Council resumed.

On motion of Watson, the Council adjourned until to-morrow at 10 o'clock A. M.

HARRY R. COMLY,
Chief Clerk.

THIRTY-SECOND DAY.

February 3, 1876.

Council met pursuant to adjournment, at 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by Rev. C. Wright, Chaplain.

Journal of yesterday read and approved.

On motion of Tatem, C. B. No. 50 was taken from Engrossing Committee and referred to Committee on Ways and Means.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. B. No. 50, An Act to prevent double taxation, have examined the same, and respectfully report it correctly engrossed.

I. I. LEWIS, *Chairman*.

The following report was received :

MR. PRESIDENT—Your Select Committee, to whom was referred H. B. No. 39, entitled An Act in relation to counties and county boundaries, would respectfully report the same back to the Council and recommend its passage.

W. E. CULLEN,

I. ABASCAL,

JAMES HORNBUCKLE.

On motion of Abascal, the report was adopted.

Mr. Graham introduced C. B. No. 54, An Act to protect the county treasury. Was read first and second times, and referred to Judiciary Committee.

C. B. No. 42 was referred to Engrossing Committee, and ordered engrossed.

H. B. No. 9, A Bill for an act relative to records, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Graham, Hornbuckle, Lewis, Tatem, Watson, President—11.

Nays—None.

Absent—Bass and Hays—2.

Title agreed to.

H. B. No. 42, An Act to facilitate and enforce the performance of official duties, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, and Watson—9.

Nays—Graham and President—2.

Absent—Bass and Hays—2.

H. B. No. 39, An Act in relation to counties and county boundaries, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Graham, Hornbuckle, Lewis, Tatem, Watson, President—11.

Nays—None.

Absent—Bass and Hays—2.

Title agreed to.

C. B. No. 47, An Act to amend sections 244 and 247 of chapter 11 of the civil practice act, codified laws of Montana Territory, was considered engrossed, read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Watson, and President—11.

Nays—None.

Absent—Bass and Tatem—2.

Title amended so as to read: An Act to amend sections 244 and 247 of the civil practice act.

Council went into Committee of the Whole to consider the general orders.

Council resumed.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed, Mr. President in the chair.

Roll called—all present.

The following report was received :

MR. PRESIDENT—Your Committee on Roads and Highways, to whom was referred Council Bill No. 44, beg leave to report the same back to the Council, and recommend that the accom-

panying substitute be adopted, and that it be referred to the Committee of the Whole.

W. E. BASS,
J. ABASCAL,
JAMES HORNBUCKLE.

On motion of Hays, the bill and report were referred to the Committee of the Whole.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred Council Bill No. 43, have carefully examined the same, and recommend the same do pass.

HORNBUCKLE, *Chairman.*

Mr. Watson reported as follows :

MR. PRESIDENT—Your Committee on Ways and Means would report C. B. No. 50 back to the Council, with a recommendation that it do not pass.

WATSON, *Chairman.*

Report adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bill No. 52, beg leave to report the same back to the Council with the information that the Secretary deems it unnecessary to print the same.

W. E. BASS, *Chairman.*

Report adopted.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred Council Bill No. 42, An Act to amend chapter 41, entitled limitations of an act revising, re-enacting and codify-

ing the general and permanent laws of Montana Territory, approved January 12, 1872, report the same correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Hays, by consent, introduced C. B. No. 55, A Bill for an act to encourage immigration, and for other purposes. Was read first and second times, and referred to the Committee on Immigration.

On motion of Tatem, a call of the house was ordered, and Cullen was absent.

On motion of Tatem, the call was suspended.

C. B. No. 50, An Act to prevent double taxation, was read the third time and lost by the following vote:

Ayes—None.

Nays—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Absent—Cullen.

On motion of Watson, C. B. No. 43 was considered engrossed, read the third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—Graham—1.

Absent—Cullen.

Title agreed to.

C. B. No. 52 was ordered engrossed.

Council went into Committee of the Whole to consider the general orders.

Council resumed.

The following communication was received :

HOUSE OF REPRESENTATIVES,
HELENA, M. T. Feb. 3, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that H. J. M. No. 3 has passed the House.

That C. B. No. 45 passed the House.

That H. B. No. 60 was indefinitely postponed.

That H. B. No. 58 was lost.

Respectfully,

A. H. BARRET,
Chief Clerk.

C. B. No. 45 was ordered enrolled.

Mr. Tatem moved to take a recess until 8 P. M. Lost.

Mr. Hays moved to make C. B. No. 44, An Act to aid in the construction of the Northern Pacific railroad, the special order for 10½ A. M. to-morrow.

On motion of Hornbuckle, the Council adjourned until to-morrow at 10 o'clock A. M.

HARRY R. COMLY,
Chief Clerk.

THIRTY-THIRD DAY.

HELENA, Feb. 4, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.,
Mr. President in the chair.

Roll called—all present.

Prayer by Rev. E. L. Toy, Chaplain.

Journal of yesterday read and approved.

Mr. Tatem reported as follows :

MR. PRESIDENT—Your Committee on Enrollment would report to the honorable body over which you preside, that they have most carefully examined Council Bills Nos. 30 and 45, and find greatly to their satisfaction that said bills are carefully, duly and properly enrolled. But your committee would respectfully ask what a "*parallel of longitude*" is.

TATEM, *Chairman.*

The Council, on motion of Watson, ordered the Clerk, the House concurring, to amend C. B. No. 30, by changing the words, "*parallel of longitude*," so as to read "*meridian of longitude*."

A communication from the Governor, in reference to pardons, was received, and referred to the Committee of the Judiciary.

Mr. Lewis reported as follows :

MR. PRESIDENT — Your Committee on Engrossment, to whom was referred Council Bill No. 52, An Act in relation to the sales of real estate and easements under order of sale on execution, report the same correctly engrossed.

I. I. LEWIS, *Chairman.*

On motion of Lewis, the Clerk was directed to insert an enacting clause in C. B. No. 52.

Mr. Graham reported :

MR. PRESIDENT—Your Committee on Education report C. B. No. 34 back to the Council with a recommendation that it do pass.

Respectfully,

GRAHAM, *Chairman.*

On motion of Cullen, the report was adopted.

Mr. Hornbuckle reported :

MR. PRESIDENT—Your Committee on Immigration, to whom was referred C. B. No. 55, have carefully examined the same and respectfully recommend that the same do pass.

HORNBUCKLE, *Chairman.*

On motion of Hays, the report was adopted, and C. B. No. 55 ordered engrossed.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 54, entitled An Act to protect the county treasury, would respectfully report the same back to the Council, and recommend that the same do not pass, for the reason that we find the matter sufficiently covered by section 4 of an act entitled *an act to curtail expenses*, approved February 13, 1874, page 66, 8th session laws.

CULLEN, *Chairman.*

On motion of Lewis, the report was adopted.

MR. PRESIDENT — Your Select Committee, to whom was referred H. B. No. 27, entitled An Act to incorporate the town of Helena, would respectfully report the same back to the Council and recommend its passage, with the following amendments, to-wit :

In article 2, section 3, line 3, strike out the word "*freeholder*," and insert in lieu thereof the words "tax-paying householders."

In article 7, section 6, lines 6 and 7, strike out the words "*freeholders and*," and in lieu thereof insert the words "tax paying."

Transpose the section numbered 33, in article 7, and make same section 33, of article 5, where the same properly belongs.

W. E. CULLEN,

B. H. TATEM,

PH. CONSTANS.

On motion of Watson, the report was adopted.

On motion of Cullen, the amendments were ordered engrossed for third reading.

The following notice was given :

MR. PRESIDENT—I give notice that on to-morrow, or some later day, I will introduce an act to authorize the Governor to contract for the keeping, clothing and maintenance of territorial convicts, and to furnish them clothing when discharged.

TATEM.

H. J. M. No. 3 was read first and second times, and, on motion of Lewis, the rules were suspended, the memorial read third time by title, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson—11.

Nays—Graham and Mr. President—2.

Title agreed to.

C. B. No. 42 was read the third time, and, on motion of Watson, the action was reconsidered, and the bill referred to the Judiciary Committee.

C. B. No. 52, An Act in relation to sale of real estate and easements under order of sale on execution, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cul-
len, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and
Mr. President—13.

Nays—None.

Title agreed to.

The Council went into Committee of the Whole on the
general orders.

Council resumed.

Mr. President announced that he had signed H. J. M. No.
1, H. B. No. 47, H. B. No. 48, H. B. No. 51, and H. B. No. 23.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 4, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable
body that the House concurred in Council amendments to H.
B. No. 9.

That the House refused to concur in Council amendments
to H. B. No. 42, An Act to facilitate and enforce the per-
formance of official duty, and ask the Council to recede there-
from.

That House Bills Nos. 7, 16, 54 and 1, and C. B. No. 47,
have passed the House, and are herewith transmitted.

Respectfully,

A. H. BARRET,

Chief Clerk.

On motion of Cullen, the Council insisted on its amendments to H. B. 42.

On motion of Tatem, Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—All present.

Mr. Tatem reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. B. No. 41, would report the substitute for said bill as introduced by Cullen, back to the Council and recommend that it do pass.

TATEM, *Chairman.*

On motion of Cullen the report was adopted.

The substitute for C. B. 41 was adopted, rules suspended, read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, President—13.

Nays—None.

Title agreed to.

The following report was received :

MR. PRESIDENT—Your Select Committee, appointed to visit the insane asylum and inquire into the condition of the Territorial insane, and as to their treatment, and to ascertain what measures are necessary to provide for the proper treatment of

the inmates of such insane asylum, beg leave to report and submit the following, which is substantially the same as will be reported to the House of Representatives this afternoon, by House committee, appointed to act jointly with your committee.

Having visited the St. Joseph's Hospital, one branch of which constitutes the Insane Asylum, we found 23 insane persons, and all as well taken care of as circumstances would permit. The most scrupulous cleanliness prevailed throughout the department, and the inmates seemed to be comfortable as could be possible under their unfortunate afflictions; but although we are free to admit that the Sisters of Charity who have the contract for the maintenance of the insane, are doing all in their power for the relief and comfort of those unfortunates, we are of the opinion that the means at their command are entirely inadequate to satisfy the requirements of humanity. First of all, we failed to find the requisite systematic treatment. The want of a superintending physician, experienced in the treatment of insane persons, is very much felt; without whom, no insane asylum can be complete. Mental diseases require the constant and undivided attention and care of a physician who makes the treatment of such diseases a specialty and a life study. All the asylums in the different states are under the supervision of such physicians, and hence the success of modern times, in the treatment of insane persons. Statistics prove that in all eastern asylums over fifty per cent of the inmates are restored to health. In some of the states the proportion is even larger, while here, in Montana, an alarmingly small proportion of the afflicted leave the asylum cured.

Your committee are informed by the House committee that they have prepared a bill referring to the insane persons of Montana, and that the bill will be introduced in the House this afternoon.

Very respectfully,

I. I. LEWIS,
JAMES HORNEBUCKLE.

C. B. No. 56, An Act to amend an act entitled An Act to provide for a system of common schools, was introduced by Mr. Abascal. Read first and second times and referred to Committee on Education.

Council went into Committee of the Whole to consider the general orders.

Council resumed.

Mr. President announced that he had signed C. B. No. 45, An Act to amend an act in relation to counties and county officers, approved January 12, 1872.

On motion of Hays, the Council took a recess until 7½ P. M.

7½ P. M.—Council met pursuant to adjournment. Mr President in the chair.

Roll called—All present.

Council went into Committee of the Whole on C. B. 44.

Council resumed.

On motion of Hays, the Council took a recess until 9:10 P. M.

9:10 P. M.—Council resumed. Mr President in the chair.

Roll called—Absent, Messrs. Allebaugh and Cullen.

The President directed the Sergeant-at-Arms to bring in the absentees.

Mr. Allebaugh, from Committee of the Whole, reported as follows:

MR. PRESIDENT—The Committee of the Whole have instructed me to report C. B. No. 44 back to the House with the substitute for said bill reported by the Committee on Roads and Highways, which substitute has been adopted by the Committee of the Whole, with the following amendments attached to this report, and the Committee of the Whole recommend that the said substitute, together with the amendments adopted thereto in Committee of the Whole, be adopted and substituted for the original bill, and that the bill be ordered engrossed.

Amend section 1 to read as follows: "Section 1. The Treasurer of the Territory of Montana is hereby authorized and instructed to issue on the credit of this Territory coupon bonds for the purposes and under the conditions set forth in this act, to an amount not exceeding three millions dollars, redeemable at the pleasure of the Territory after ten years, and payable thirty years from their date, and bearing interest at the rate of seven per cent per annum, with coupons payable semi-annually at some place in the city of New York, to be designated thereon; *provided*, that the bonds mentioned in this section shall not be issued unless this act shall be approved by a majority of the qualified electors of this Territory."

Amend section 2: In the 4th line, after "*Treasurer*," insert, "and they shall contain the title and date of the approval of the act under which they are issued." Strike out the first "*and*" and the word "*each*" in the 6th line.

Amend section 5: Strike out the word "*ten*" wherever it occurs before the word "*thousand*," and insert the word "*nine*" in lieu thereof.

Section 5: Strike out lines 1 and 2 to and inclusive of the word "*them*," and insert as follows: "The Governor of the Territory, with one person from each organized county in the

Territory, who shall be elected at the election held for the approval or disapproval of this act, shall compose a board of trustees, who shall be known and designated as the Territorial Trustees of the Railroad Bonds, three-fourths of whom shall constitute a quorum, who by a two-thirds vote."

Amend section 5 by adding thereto the following: "And if said North Pacific railroad company shall fail to so deposit its gross receipts from said portion of the road as aforesaid, then the road-bed and other property of said company within the Territory of Montana shall be held and bound for the satisfaction and payment of the bonds and interest thereon proposed to be issued by this act, and this provision shall also be incorporated in and form one of the conditions of the said bonds proposed to be issued by this act." After the word "Montana," on 3d page of the bill, in 12th line, insert the following: "And said company shall charge the same rates per mile for freight and passenger travel over said road west from Bismarck as is or may be charged for the same on said railroad east from said Bismarck."

Strike out section 6 and insert the following: "Section 6. That whenever the said railroad company shall have completed and put in running operation twenty miles of said railroad westwardly from said Glendive creek, and whenever thereafter they shall have in like manner completed an additional section of twenty miles, and as often as such sections are so completed, it shall, through the proper officers, notify the Governor of this Territory of the completion of so much of said road, and thereupon the Governor shall appoint a committee of not less than three reliable persons, who shall not be connected with nor in the employ of said railroad company, and who shall make an inspection of said road, and if the same is found upon said inspection to be so completed in a good, substantial and workman-like manner, they shall certify the same to the Governor in writing, who shall thereupon direct the Auditor and Treasurer of the Territory to issue to said company seventy-five per cent of the bonds so

earned, and due to the said railroad company by reason of the completion of such section of twenty miles, and the remaining twenty-five per cent of such bonds shall not be issued until the said road is fully completed to the said distance of three hundred and fifty miles westwardly from the mouth of said Glendive creek."

Amend section 7 by inserting after the word "*tie*" in the 3d line from the bottom the words, "*and put in operation.*" After the word "*ironed,*" in the 22d line, insert, "*and put in operation.*"

Amend section 8: Strike out "*13th day of March,*" insert "*3d day of April.*" Make the following section 7 and renumber the sections of the bill to correspond. In 3d and 4th lines from the bottom of section 8, strike out the words, "*then this act shall be deemed to be in full force and effect, otherwise to be of no force or effect.*"

Section 7. The members of said board of Territorial Trustees of the Railroad Bonds shall assemble upon ten days' notice at such place and time as the Governor may designate for the purposes named in this act, and shall receive five dollars for each and every day they may be assembled for such purposes, and 10 cents per mile for the distance necessarily traveled in going and returning, which shall be paid out of the money provided to carry into effect the provisions of this act. In case of the death or resignation of any member of the board, the remaining members shall fill his place by another person from the county which has thus lost its representation in said board.

ALLEBAUGH.

On motion of Hays, the report was adopted and the bill ordered engrossed.

On motion of Hays, the Council adjourned until 10 A. M. to-morrow.

HARRY R. COMLY,
Chief Clerk.

THIRTY-FOURTH DAY.

February 5, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.,
Mr. President in the chair.

Roll called—all present.

Prayer by Rev. Father Palladino, Chaplain.

Journal of yesterday read and approved.

Mr. Graham reported as follows:

MR. PRESIDENT—Your Committee on Education would report C. B. No. 56 back to the Council, and recommend its passage.

Respectfully,

GRAHAM, *Chairman*.

Mr. Bass reported as follows:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bill No. 48, and Council Bill No. 53, beg leave to report the same correctly printed.

W. E. BASS.

Mr. Tatem reported as follows:

MR. PRESIDENT—Your Committee on Enrollment would report that they have examined C. B. No. 47, An Act to amend sections 244 and 247 of the civil practice act, and find the same correctly enrolled.

TATEM, *Chairman*.

The Committee on Printing reported as follows:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Joint Resolution No. 7, beg leave to

report the same back to the Council and recommend its passage.

W. E. BASS,
GRAHAM.

On motion of Lewis, the report was adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Joint Resolution No. 6, beg leave to report the same back to the Council, and recommend that the words “two hundred and fifty dollars” be stricken out, and “two hundred and twenty-five dollars” inserted in lieu thereof.

W. E. BASS,
GRAHAM.

On motion of Watson, the report was adopted.

The following report was received :

MR. PRESIDENT—Your Select Committee, to whom was referred H. B. No. 26, beg leave to report the same back to the Council and recommend its passage.

ALLEBAUGH,
WATSON.

C. B. No. 57, An Act to repeal an act for the collection of statistics, and for other purposes, was introduced by Hays.

Read first and second times, and referred to the Committee on Engrossment.

H. B. No. 54, An Act to protect agricultural societies, was read first and second times and referred on the Committee on Agriculture and Manufactures.

H. B. No. 7, A Bill for an act concerning dower, was read first and second times and referred to the Committee on Judiciary.

Mr. President announced that he had signed H. B. No. 9, and H. B. No. 39.

H. B. No. 16, An Act to provide for the election of county assessors, was read first and second times and referred to the Committee on Elections.

H. B. No. 1, An Act to amend an act entitled an act in relation to roads and highways, approved February 12, 1874, was read first and second times and referred to the Committee on Roads and Highways.

Mr. Bass moved to refer H. B. No. 26, An Act to provide for the funding of the debt of Madison county, to a Select Committee, which motion prevailed, and the Chair appointed Messrs. Bass, Cullen, and Constans such committee.

On motion, the Council took a recess until 2 o'clock p. m.

2 o'clock p. m.—Council resumed, Mr. President in the chair.

Roll called—all present.

Mr. Tatem reported that he had handed C. B. No. 45 to the Governor, at 1:45 p. m.

Mr. Graham, on motion of Hays, was granted leave of absence.

The President announced that he had signed C. B. No. 47.

Mr. Lewis offered the following amendments to C. B. No. 34:

Amend section 6 by adding the words, "and said librarian shall receive the sum of \$400 salary for such services."

Fill the blank in section 2 with the word "twelve."

Mr. Tatem moved to amend by striking out "*twelve*," and inserting "*ten*," which amendment prevailed, and the amendment, ~~as~~ amended, was adopted, and the bill ordered engrossed.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred Council Bill No. 57, An Act to repeal an act for the collection of statistics, and for other purposes, report the same correctly engrossed.

I. I. LEWIS, *Chairman*.

C. B. No. 53 was referred to the Committee of Internal Improvements.

C. J. R. No. 6, on motion of Watson, amendments adopted, and ordered engrossed.

C. B. No. 48 was referred to the Committee on Mines and Minerals.

C. B. No. 56 was referred the Committee of the Whole.

C. J. R. No. 7 was ordered engrossed.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Roads and Highways, to whom was referred House Bill No. 21, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS.

Cardwell reported as follows :

MR. PRESIDENT—Your Committee, to whom was referred substitute for H. B. No. 16, report the same back to the Council with the recommendation that it do pass.

An Act to provide for the election of county assessors.

CARDWELL, *Chairman*.

Mr. Tatem introduced C. B. 58, An Act to authorize the Governor to contract for the keeping, clothing and maintenance of the Territorial convicts in the United States penitentiary at Deer Lodge, Montana, and to furnish them clothing when discharged; and to repeal an act to regulate and govern the penitentiary at Deer Lodge City, Montana Territory, approved May 6, 1873, which was read first and second times, and ordered engrossed for third reading.

Mr Bass introduced C. B. 59, An Act to provide for the appointment of guardians for persons insane or otherwise incapable of taking care of themselves, which was read first and second times, and referred to the Judiciary Committee.

Mr. Cullen introduced C. B. No. 60, An Act to repeal so much of an act entitled An Act in relation to administrators and executors, as provides for the apportionment of witnesses to view the estates of deceased persons, which was read first and second times, and Cullen moved that the bill be considered engrossed and passed to its third reading, which motion prevailed, the bill read a third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, President—11.

Nays—Hays—1.

Absent—Graham.

Title agreed to.

Council went into Committee of the Whole, to consider the general orders.

Council resumed.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Feb. 5, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the House have appointed Messrs. Sanders and Word as a committee of conference upon H. B. No. 42.

That House Bills Nos. 66, 73, 64, 65, 63, 41, 62;

That C. Bs. 35, 38, 20, have passed the House, and are herewith transmitted.

That C. B. 26 was lost in the House.

That H. Bs. 55 and 72 were indefinitely postponed.

That bills were introduced as follows :

By Mead: H. B. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad.

By Burkett: H. B. 76, An Act to re-locate the seat of government.

By Beal: H. B. No. 77, An Act to provide for the insane.

By Ford: H. B. No. 78, An Act to authorize the counties interested to assist in the construction of a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the City of Helena.

Also, H. B. 79, An Act to amend section 73 of chapter 6, of the criminal laws.

By Sanders: H. B. 80, An Act fixing the time of meeting of the Legislative Assembly.

Also, H. B. 81, An Act in relation to schools.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. President appointed Cullen and Watson a committee of conference on H. B. 42; and on motion of Tatem, the committee was instructed to adhere to the action of the Council.

On motion of Hays, C. B. No. 44 was taken from the Committee of Engrossment, and referred to a special committee, of Bass, Cardwell and Watson.

On motion of Watson, the Council concurred in House amendments to C. B. 20, and the bill was ordered enrolled.

C. B. No. 35, and C. B. No. 38, were ordered enrolled.

H. B. 73, An Act to provide for the formation of corporations other than those for pecuniary profit, was read first and second times, and referred to Committee on Incorporation.

H. B. 66, An Act to provide for the compensation of Dr. A. H. Mitchell, for certain medical services rendered the Territory, was read first and second times, and, on motion of Abascal, was referred to a committee of Members from Deer Lodge.

H. B. No. 64, An Act for the relief of Henry A. D'Acheul, was read first and second times, and, on motion of Hornbuckle, was referred to a committee of members from Lewis and Clarke county.

Mr. President announced that he had signed H. J. M. No. 3, four copies.

H. B. No. 62, An Act in relation to quartz claims, was read first and second times and referred to Committee on Mines and Minerals.

H. B. No. 41, An Act for the relief of D. H. Lineberger, Treasurer of Jefferson county, Montana Territory, and the discharge of his official bondsmen as such, was read first and second times and referred to the members from Jefferson county.

H. B. No. 65, An Act to provide compensation to Jas. H. Mills for certain printing done for the Territory, was read first and second times and referred to the members from Deer Lodge.

Mr. Lewis reported as follows :

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 34, with engrossed amendments, have instructed me to report the same back to the Council with the following amendments :

After the word "herded," in line 5 of section 1, amend by adding the following: And all flocks of sheep affected with the "scab" or other contagious disease, shall be debarred from traveling upon the public highway in the neighborhood of any established headquarters without the owner, agent, or shepherd in charge first giving at least six hours notice to the owner, agent, or shepherd in charge of sheep at such headquarters, that he will at a time specified pass along such highway with his band of sheep; and such band of sheep shall not be allowed to stop and graze on or adjacent to the highway within six miles of such established headquarters; but they shall be allowed to stop and graze at a distance of not more than one-half mile from any public ferry while engaged in crossing any stream or river. *Provided*, That any person or persons now or hereafter owning sheep affected with the "scab" or other contagious disease, and having established headquarters prior to the passage of this act, for the same, shall be entitled to range such sheep upon the public domain a distance of six miles in any direction from such established headquarters, and shall not be subjected to the penalties prescribed in this bill. *Provided further*, That all persons hereafter coming into the Territory of Montana with diseased sheep and establishing

headquarters six miles from any known headquarters shall enjoy all the rights and privileges guaranteed to prior locators on any of the unclaimed lands within the Territory of Montana.

Amend as follows: After the word "highway," 3d line, 3d section printed bill, insert, "without having previously given the notice required by section 1 of this act."

And recommend that the bill so amended do pass.

I. I. LEWIS, *Chairman*.

On motion of Cullen, the report was adopted, and the amendments ordered engrossed.

H. B. No. 63, An Act to prohibit the sale of intoxicating drinks on Sundays and election days, was read first time, and Mr. Abascal moved to indefinitely postpone the bill, which motion was lost by the following vote:

Ayes—Abascal, Cardwell, Constans, Hornbuckle, Watson, and Mr. President—6.

Nays—Allebaugh, Bass, Cullen, Hays, Lewis, and Tatem—6.

Absent—Graham.

The bill was read second time, and Mr. Tatem moved to refer the same to committee of its friends.

Mr. Cardwell moved to refer to Committee on Internal Improvements, which latter motion prevailed.

On motion of Tatem, the vote by which C. B. No. 48 was referred to Committee on Mines and Minerals was reconsidered, and the bill referred to the Engrossing Committee.

H. B. No. 27, A Bill for an act to incorporate the town of Helena, was read third time and lost by the following vote:

Ayes—Allebaugh, Bass, Cullen, Hays, Lewis, and Tatem—6.

Nays—Abascal, Cardwell, Constans, Hornbuckle, Watson, and Mr. President—6.

Absent—Graham.

Mr. Brown moved to reconsider the vote by which H. B. No. 27 was lost, which motion prevailed.

H. B. No. 27 was then passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Cullen, Hays, Lewis, Tatem, and Mr. President—9.

Nays—Constans, Hornbuckle, and Watson—3.

Absent—Graham.

Title agreed to.

On motion, the Council adjourned until 10 o'clock Monday morning.

HARRY R. COMLY,
Chief Clerk.

THIRTY-SIXTH DAY.

February 7th, 1876.

Council met pursuant to adjournment at 10 o'clock A. M.
Mr. President in the chair.

Roll called—All present.

Prayer by the Rev. E. L. Toy.

Journal of Saturday read and approved.

Mr. Tatem, from Committee on Enrollment, reported that he handed C. B. 47 to the Governor at 10 : 10 this A. M.

The following report was received :

MR. PRESIDENT—Your Committee on Incorporations, to whom H. B. No. 73 was referred, beg leave to report the same back to the Council, with the recommendation that it pass.

I. ABASCAL.
PH. CONSTANS,
ED. CARDWELL.

On motion of Cullen, the report was adopted.

Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 32, and H. B. No. 57, An Act concerning motions, would respectfully report them back to the Council and recommend that both bills do pass.

W. E. CULLEN, *Chairman*.

On motion of Hays, report adopted.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred Council Bill No. 53, An Act proposing aid to the United States government in making navigable the upper Missouri and Yellowstone rivers, would respectfully report, that having the same under consideration, decide the measure is of importance, and believe that if the same is passed it will have more bearing upon Congress than any memorial that this Legislature might send.

We do therefore recommend that the bill do pass.

I. I. LEWIS, *Chairman*.

On motion of Hays, the report was adopted.

On motion of Lewis, the bill was considered engrossed and ordered to third reading.

The following report was received :

MR. PRESIDENT—Your Special Committee, to whom was referred Council Bill No. 23, have carefully examined the same, and recommend that “three hundred and twenty-five” be stricken out, and “one hundred and fifty” be inserted in lieu thereof, and that the same do pass.

JAMES HORNBUCKLE,
ED. CARDWELL,
PH. CONSTANS.

On motion of Hornbuckle, report adopted.

The following report was received.

MR. PRESIDENT—Your Special Committee, to whom was referred Council Bill No. 29, have carefully examined the same, and recommend that “four hundred and ninety-eight” be stricken out, and “three hundred” be inserted in lieu thereof, and the same do pass.

All of which is respectfully submitted.

JAMES HORNBUCKLE,
PH. CONSTANS,
ED. CARDWELL.

On motion of Constans, the report was adopted.

Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 7, entitled An Act concerning dower, would respectfully report the same back to the Council, and recommend its passage, with the following amendment, to-wit :

Add an additional section to said bill to be numbered section 25, and entitled as follows, to-wit :

ESTATES BY THE COURTESY.

Section 25. When any man and his wife are seized in her right, and when a married woman is seized to her sole and separate use free from the control of her husband, of any estate of inheritance in lands, the husband shall, on the death of his wife, hold the lands for his life, as tenant thereof by the courtesy: *Provided*, That if the wife at her death, leaves issue by any former husband, to whom the estate might descend, such issue shall take the same, discharged from the right of the surviving husband to hold the same as tenant by the courtesy.

CULLEN, *Chairman*.

On motion of Graham, the report was adopted.

Cullen reported as follows:

MR. PRESIDENT—Your Judiciary Committee, to whom was referred C. B. No. 42, would respectfully report the same back to the Council, and recommend its passage.

W. E. CULLEN, *Chairman*.

Report adopted.

Cullen reported as follows:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred C. B. No. 57, would respectfully report the same back to the Council, and recommend its passage.

W. E. CULLEN, *Chairman*.

Report adopted.

Cullen reported as follows:

MR. PRESIDENT—Your Judiciary Committee, to whom was referred C. B. No. 3, An Act to repeal certain provisions relative to security for costs in civil actions, would respectfully report the same back, and recommend its passage.

W. E. CULLEN, *Chairman*.

Report adopted.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 35, would respectfully report that the Council indefinitely postponed C. B. No. 9, of which this bill is almost a literal copy, and we would recommend that this bill share the same fate.

W. E. CULLEN, *Chairman*.

Report adopted.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred House Bill No. 62, An Act in relation to quartz claims, respectfully report the same back to the Council, recommending its passage.

JAMES HORNBUCKLE, *Chairman*.

On motion of Cullen, the report was adopted.

The following report was received :

MR. PRESIDENT—Your Committee, to whom H. B. No. 63, An Act to prohibit the sale of intoxicating drinks on Sundays and election days, was referred, report the same back to the Council, with the recommendation that it do not pass.

J. ABASCAL.

JAMES HORNBUCKLE.

Abascal moved to adopt the report.

A petition from thirty-three citizens from Beaverhead, was received, asking the Legislative Assembly to enact a law to promote the observance of the first day of the week as a day of rest.

Mr. Tatem demanded a call of the house, and the call being made, Bass was absent, and the President directed the Sergeant-at-Arms to bring Bass in.

Mr. Bass was brought in.

The report on H. B. No. 63 was then adopted by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Graham, Hornbuckle, Watson, and Mr. President—8.

Nays—Allebaugh, Cullen, Hays, Lewis, and Tatem—5.

The following report was received:

MR. PRESIDENT—Your Committee of Conference on the disagreement of the two houses upon the House amendment to C. B. No. 14, have met the conferrees of the House on this bill, and the committee agree that it is best the House recede from its amendment, and the House committee will so recommend. Your committee therefore recommend that the Council adhere to their non-concurrence in the House amendments to C. B. No. 14.

GRAHAM, *Chairman*,
W. O. P. HAYS,
J. B. ALLEBAUGH.

On motion, the report was adopted.

The following report was received:

MR. PRESIDENT—Your Committee on Engrossment would report C. B. No. 58 correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. J. R. No. 6, in relation to printing, report the same correctly engrossed.

I. I. LEWIS, *Chairman*.

Graham reported as follows:

MR. PRESIDENT—Your Special Committee hereby report back H. B. No. 66 to the Council, with the request that it do pass.

Respectfully,

GRAHAM, *Chairman*.

On motion of Cullen, the report was adopted.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred C. J. R. No. 7, report the same correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Graham reported as follows :

MR. PRESIDENT—Your Special Committee hereby report back H. B. No. 65 to the Council, with the request that the same do pass.

Respectfully,

GRAHAM, *Chairman*.

On motion of Cullen, the report was adopted.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 7, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that House Bills Nos. 33 and 80, and H. J. M. No. 5, have passed the House, and are herewith transmitted.

Also, that H. B. No. 56 was lost in the House.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Cullen introduced C. B. No. 61, An Act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana, approved January 12, 1872, and for other purposes. Which was read first and second times, and Cullen moved to have the bill engrossed.

Mr. Hornbuckle moved to refer to the Printing Committee, which motion was lost, and Cullen's motion prevailed and the bill ordered engrossed.

Mr. Tatem moved as follows:

I move that Mr. George D. C. Hibbs be engaged for the remainder of the session to assist the engrossing and enrolling clerks at the same rate as paid to them, in order that the Council may not be delayed in its action by the amount of work now accumulating upon the regular order.

H. B. No. 80, A Bill for an act fixing the time of the meeting of the Legislative Assembly, was read first and second times, and referred the Committee on Elections.

H. J. M. No. 5 was read first and second times, and Cullen moved to suspend the rules, read the memorial a third time by title, which motion prevailed, and the memorial passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 33, An Act to provide for biennial elections in the Territory of Montana, on motion of Bass, was read first and second times by title, and on motion of Cullen, referred to the Committee of the Whole at 2½ P. M.

The following report was received :

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 44, beg leave to report the same back to the Council, and recommend that the following amendments be adopted :

Amend section 5 by inserting after the word "act," on the fourth line from end of section, "and the lien thereby created shall take precedence to and priority over any and all other liens or incumbrances theretofore or heretofore created or imposed upon said property, save and except all lawful taxes due or to become due thereon."

Add to the end of section 5, the following proviso: "*Provided*, That the members of said board of Territorial Trustees of Railroad Bonds shall have the power to and may take of the said Northern Pacific railroad company other good and sufficient securities such as they, the said Territorial Trustees of the Railroad Bonds, may deem ample and necessary to take the place of the lien created in this act."

Amend section 6 by inserting after the word "thereupon," in 21st line, "after first giving thirty days notice by publication in some newspaper published at the capital of this Territory." Strike out the words "seventy-five" in 23d line, and in lieu thereof insert "ninety." Amend section 8 by striking out all after the words "running order," and insert in lieu thereof the following: "the whole of their road from the Missouri river opposite the town of Bismarek, in Dakota Territory, westward to the Yellowstone river at or above the mouth of Glendive creek, in Montana Territory."

Amend section 9 by striking out after the word "Assembly," on 8th line, the words, "approved by the Governor." Strike out all after the words, "3d day of April, A. D. 1876," in 15th line, and insert the following as sections 10, 11, 12, 13, and 14:

Section 10. The county commissioners of the several counties, after having received notice from the Governor of the Territory of the passage of this act, as hereinafter provided, shall, and it is hereby made the duty of said commissioners, on the 3d day of April, A. D. 1876, to cause to be submitted to the qualified electors of their respective counties the propositions herein contained for their approval or rejection; and if a majority of the electors of the Territory at such elections shall by their votes approve of this act, such fact shall be entered at large upon the journals of their respective counties.

Section 11. The county commissioners of the several counties shall give notice of the election herein provided for by publication in one or more newspapers published within such county at least twenty days before such election; or, if no paper be published therein, the same shall be published in one or more newspapers published in the Territory, most likely to give general notice.

Section 12. At the election herein provided for, the ballots or votes shall contain the words: "For approval of railroad act—Yes," or, "For approval of railroad act—No;" also, "For one member of the Territorial Board of Railroad Bonds," in each county, and the same rules, regulations, liabilities, and penalties prescribed for the conduct of other elections, and liability of officers thereof, and electors within this Territory, shall be observed and enforced at the election herein provided for; and the judges at such election shall truly certify and forward the result of such election, together with the poll-books and ballots so cast, to the board of county commissioners to the county seat of said county within two days after the same shall have been counted and certified; and the said county commissioners shall, within ten days thereafter, forward a correct abstract of the votes cast on said proposition at such election to the Governor of the Territory; and upon the failure upon the part of any officer or officers herein named to perform the duties prescribed by this act, he or they shall

be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine not exceeding five thousand dollars, and be imprisoned in the county jail not less than six nor more than ten months.

Section 13. The votes that are cast upon the proposition herein contained, after the same shall have been abstracted by the county commissioners of the several counties, and such abstracts shall have been forwarded to the Governor as aforesaid, shall be canvassed in the same manner that the vote for delegate to Congress is canvassed under the existing laws.

Section 14. If a majority of the votes cast upon the question hereby submitted shall approve of this act, it shall be the duty of the Governor of the Territory to announce such fact through one or more newspapers published in the Territory; and thenceforward this act shall be a contract of binding force upon the Territory of Montana.

Make section 10 section 15.

Add the following as section 16: "This act to take effect and be in force from and after its passage."

W. E. BASS,
ED. CARDWELL,
T. WATSON.

Hornbuckle moved to adopt the report, which motion prevailed, and the Chair ordered the bill engrossed.

On motion of Hornbuckle, the Council took a recess until 2 P. M.

2 o'clock P. M.

Roll called—all present.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
Feb 7, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House has reconsidered the vote by which H. B. No. 41, An Act for the relief of Linebarger, was passed, and request the Council to return the same to the House.

Respectfully,
A. H. BARRET,
Chief Clerk.

On motion of Hays, H. B. No. 41 was taken from the Committee, and the Clerk directed to return the bill to the House in accordance with the request.

Mr. Hornbuckle reported as follows :

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 46, refer the same back, with the recommendation that it be referred to the Committee of the Whole. All of which is respectfully submitted.

HORNBUCKLE.

On motion of Watson, the report was adopted.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Select Committee, to whom was referred H. B. No. 41, herewith return the same back to the Council in accordance with the instructions of the Council so to do.

I. I. LEWIS,
E. CARDWELL,

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment have examined C. B. No. 48, and report same correctly engrossed.

I. I. LEWIS, *Chairman*.

Cullen moved to go into Executive session.

Motion prevailed, and Council went into Executive session.

Council resumed, and the Clerk was instructed to enter upon the journal the fact that the Council had confirmed the nomination of Cornelius Hedges as Territorial Superintendent of Public Instruction, also, D. H. Weston as Territorial Treasurer.

The Council went into Committee of the Whole on H. B. No. 33.

Council resumed.

H. B. No. 63 was read third time.

Mr. Abascal demanded a call of the House, and Messrs. Bass and Cardwell were absent.

Messrs. Bass and Cardwell reported present.

Roll called.

H. B. No. 63 was lost by the following vote :

Ayes—Allebaugh, Hays, Lewis, and Tatem—4.

Nays—Abascal, Bass, Cardwell, Constans, Cullen, Graham, Hornbuckle, Watson, and Mr. President—9.

H. B. No. 16, An Act to provide for the election of county assessors, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hays, Hornbuckle, Lewis, and Watson—9.

Nays—Cullen, Graham, Tatem, and Mr. President—4.

Title agreed to.

H. B. No. 66, An Act to provide for the compensation of Dr. A. H. Mitchell for certain medical services rendered the Territory, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 62, An Act in relation to quartz claims, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Cardwell, Constans, Hornbuckle, Tatem, Watson, and Mr. President—8.

Nays—Bass, Graham, and Hays—3.

Absent—Cullen.

Title agreed to.

H. B. No. 21, An Act to provide for the transfer of road moneys in certain cases to the benefit of the public schools, was read third time and lost by the following vote :

Ayes—Bass, Cullen, Lewis, and Mr. President—4.

Nays—Abascal, Allebaugh, Cardwell, Constans, Graham, Hays, Hornbuckle, Tatem, and Watson—9.

On motion, the Council took a recess until 7 P. M.

7 o'clock p. m.—Council resumed.

Mr. President in the chair.

Roll called—all present.

On motion of Cullen, H. B. No. 35 was indefinitely postponed.

Mr. Abascal moved to reconsider the vote by which H. B. No. 21 was lost, which motion prevailed, and H. B. No. 21 passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—10.

Nays—Cardwell, Constans, and Watson—3.

Title agreed to.

On motion of Tatem, H. B. No. 65 was read a third time by title and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

H. B. No. 57, An Act concerning motions, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

On motion of Cullen, H. B. No. 7 was read third time by title and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Lewis, Tatem, and Mr. President—10.

Nays—Hays, Hornbuckle, and Watson—3.

Title agreed to.

H. B. No. 73, An Act to provide for the formation of corporations other than those for pecuniary profit, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Mr. President—12.

Nays—Watson.

Title agreed to.

Mr. Tatem reported C. Bs. Nos. 20, 35, and 38 correctly enrolled.

C. B. No. 54, An Act to protect the county treasury, was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Constans, Graham, Tatem, and Watson—7.

Nays—Cardwell, Cullen, Hays, Hornbuckle, Lewis, and Mr. President—6.

Title agreed to.

C. B. No. 42, An Act to amend chapter 41, entitled limitations, &c., was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—Graham—1.

Title agreed to.

C. B. No. 48, An Act concerning water rights, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

C. B. No. 57, An Act to repeal an act for the collection of statistics, and for other purposes, was read the third time and passed by the following vote:

Ayes—Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Lewis, Watson, and Mr. President—9.

Nays—Graham and Hornbuckle—2.

Absent—Abascal and Tatem.

C. J. R. No. 7 was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—10.

Nays—Cardwell, Constans, and Cullen—3.

Title agreed to.

C. J. R. No. 6, in relation to printing, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Lewis, Watson, and Mr. President—10.

Nays—Cullen, Hornbuckle, and Tatem—3.

Title agreed to.

Mr. Tatem gave notice that he would move to reconsider the vote by which C. J. R. No. 7 was passed.

C. B. No. 32, An Act to amend an act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Watson, and Mr. President—11.

Nays—Hornbuckle and Tatem—2.

Title agreed to.

C. B. No. 3, An Act to repeal certain provisions relative to security for costs in civil actions, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Watson, and Mr. President—11.

Nays—Hornbuckle—1.

Absent—Tatem.

Title agreed to.

C. B. No. 59, An Act to provide for the appointment of guardians of persons insane or otherwise incapable of taking

care of themselves, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

On motion of Cullen, the title was amended to read "An Act to provide for the appointment of guardians for persons insane."

Mr. Tatem moved to reconsider the vote by which C. J. R. No. 7 passed the Council, which motion to reconsider was lost by the following vote :

Ayes—Allebaugh, Cardwell, Constans, Cullen, and Tatem—5.

Nays—Abascal, Bass, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—8.

On motion of Lewis, C. B. No. 53 was read the third time by title, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Hornbuckle, Lewis, Watson, and Mr. President—11.

Nays—Cullen and Tatem—2.

Title agreed to.

On motion of Tatem, C. B. No. 58 was read the third time by title, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Tatem gave notice that on to-morrow, or some later day, he would introduce an act to repeal an act in relation to brands and marks, approved January 10, 1872.

Mr. Lewis, without previous notice, obtained leave to introduce C. B. No. 62, An Act to prohibit the sale of intoxicating liquors on general election days, which was read the first time, and Watson objected.

The question, "Shall the bill be rejected?" was lost by the following vote:

Ayes—Abascal, Bass, Constans, Graham, Watson, and Mr. President—6.

Nays—Allebaugh, Cardwell, Cullen, Hays, Hornbuckle, Lewis, and Tatem—7.

Mr. Abascal offered the following amendment:

From the hour of 9 in the morning to 6 in the evening.

Mr. Tatem moved to suspend the rules, consider the bill engrossed, and put it on its final passage, which motion was lost.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred Council Bill No. 44, An Act to encourage the construction of the Northern Pacific railroad in the Territory of Montana, respectfully report the same back to the Council correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Tatem, without previous notice, obtained leave to introduce C. B. No. 63, An Act to repeal an act in relation to brands and marks, approved January 10, 1872, was read first and second times, and, on motion of Watson, the rules were suspended, the bill read a third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Abascal was excused from further attendance this evening.

C. B. No. 44, An Act to aid in the construction of the Northern Pacific railroad, was read a third time and passed by the following vote :

Ayes—Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—Allebaugh—1.

Absent—Abascal.

Title agreed to.

On motion, the Council adjourned until to-morrow at 10 o'clock A. M.

HARRY R. COMLY,
Chief Clerk.

THIRTY-SEVENTH DAY.

February 8, 1876.

Council met pursuant to adjournment, at 10 o'clock A. M.
Mr President in the chair.

Roll called—Absent, Graham.

Prayer by the Rev. Father Palladino, Chaplain.

Journal of yesterday read and approved.

Mr. President announced that he had signed C. B. 38, An Act to prevent the purchase and sale of votes; and C. B. 35, An Act concerning notaries public; and C. B. 20, An Act in relation to the management of insane persons in Montana Territory.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 8, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that H. Bs. Nos. 20 and 83 have passed the House, and are herewith transmitted:

That the House concurred in Council amendments to H. B. No. 27;

That Mr. McKnight gave notice of a bill for the relief of Seth Bullock.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred House Bill No. 33, An Act to provide for biennial elections in the Territory of Montana, have instructed me to report the same back to the Council, recommending the adoption of the following amendments :

Amend section 13, line 4 (line 11 in the engrossed bill), strike out the words "*if it be a folded ballot.*"

Amend section 28 in lines 10, 17 and 18, strike out the words "said auditor," where they may occur, and in lieu thereof insert the words "United States Marshal."

Amend section 37 by adding the following thereto "that in all contested," &c. (see said amendment attached to said section 37); and further recommend that the bill so amended do pass.

CARDWELL, *Chairman.*

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred Council Bill No. 29, An Act to provide for the transportation and board of prisoners.

Also, C. B. No. 34, An Act in relation to the Territorial Library.

Also, C. B. No. 23, An Act for the relief of John Quirk, respectfully report the said several bills correctly engrossed.

I. I. LEWIS, *Chairman.*

Mr. Cardwell reported as follows :

MR. PRESIDENT—Your Committee, to whom was referred H. B. No. 80, beg leave to report the same back to the Council with the recommendation that it do pass, (by amending as follows :)

Section 3. This act shall take effect and be in force from and after its passage.

A Bill for an act fixing the time of the meeting of the Legislative Assembly.

CARDWELL, *Chairman.*

On motion of Cullen, the report was adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Special Committee, to whom was referred House Bill No. 26, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS, *Chairman.*

Mr. Bass reported as follows :

MR. PRESIDENT—Your Special Committee on mileage beg leave to report that they have performed the duty assigned them, and herewith transmit the same.

Abascal.....	216.....	Miles.
Allebaugh.....	210.....	"...
Bass.....	360.....	"...
Cardwell.....	150.....	"...
Constans.....	10.....	"...
Graham.....	220.....	"...
Hays.....	230.....	"...
Hornbuckle.....	40.....	"...
Lewis.....	30.....	"...
Watson.....	330.....	"...
Brown.....	60.....	"...

W. E. BASS.

On motion of Watson, the report was adopted.

Mr. Tatem reported he handed to the Governor at 10:45 this morning, C. Bills 20, 35, and 38.

The following report was received :

MR. PRESIDENT—Your Select Committee, for the relief of Harry A. D'Acheul, reports H. B. No. 64 back to the Council for its passage.

PH. CONSTANS,
B. H. TATEM,
W. E. CULLEN.

Mr Cullen obtained leave to introduce C. B. No. 64, An Act for the relief of Henry Sonnefield, was read first and second time, and on motion the rules were suspended, the bill read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, President—12.

Absent—Graham.

Title agreed to.

H. B. No. 83, An Act to require probate judges to give bonds as trustees of town sites, read first and second times, and referred to Judiciary Committee.

H. B. No. 20, An Act to regulate and establish the fees of the clerk of the district court, was read first and second times and referred to Judiciary Committee, with request to report this afternoon.

The following report was received :

MR. PRESIDENT—Your Committee on Printing, to whom was referred Council Bill No. 51, beg leave to report the same printed.

W. E. BASS.

H. B. 34, An Act in relation to diseased animals. On motion of Lewis, rules suspended, read third time by title, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—None.

Absent—Graham.

Title agreed to.

On motion of Watson, the rules were suspended, H. B. No. 26 read third time by title, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Cullen, Hays, Hornbuckle, Lewis, Watson, and Mr. President—10.

Nays—Constans and Tatem—2.

Absent—Graham.

H. B. No. 64, An Act for the relief of H. A. D'Acheul, was read the third time and passed by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Absent—Allebaugh and Graham.

Title agreed to.

C. B. No. 34, An Act relative to the Territorial Library, was read the third time and passed by the following vote:

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—None.

Absent—Allebaugh and Graham.

Title agreed to.

C. B. No. 23, An Act for the relief of John Quirk, was read the third time and passed by the following vote :

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—None.

Absent—Allebaugh and Graham.

Title agreed to.

C. B. No. 29, An Act to provide compensation for the transportation and board of prisoners, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Tatem, and Watson—10.

Nays—Lewis and Mr. President—2.

Absent—Graham.

Title amended so as to read: "An Act for the relief of Seth Bullock."

C. B. No. 62 was referred to the Committee on Federal Relations.

On motion of Cullen, the Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Roll called—all present.

The following report was received :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred Council Bill No. 27, taxing ores and

bullion, beg leave to report the same back to the Council and recommend that it do not pass.

WATSON,
TATEM.

On motion of Lewis, the report was adopted.

Mr. Watson reported as follows:

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred Council Bill No. 33, An Act concerning license, beg leave to report the same back to the Council, and recommend its passage.

WATSON.

Cullen reported as follows:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House Bill No. 20, An Act to regulate and establish the fees of the clerk of the district court, report the same back to the Council, recommending its passage.

W. E. CULLEN, *Chairman*.

On motion of Watson, the rules were suspended and H. B. No. 20 was read the third time by title, and passed by the following vote:

Ayes — Abascal, Allebaugh, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President —11.

Nays—None.

Absent—Bass and Graham.

Title agreed to.

Mr. Tatem reported as follows:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred C. B. No. 62, An Act to prohibit the sale

of intoxicating liquors on general election days, would report the same back to the Council with the following amendments, and, so amended, recommend its passage:

In section 2 strike out "fifty," and insert "ten;" strike out "six hundred," and insert "two hundred and fifty;" strike out all of the section after the word "dollars" where it occurs the second time.

Strike out all of section 4.

Re-number section 5 to be section 4.

TATEM, *Chairman*.

On motion of Lewis, the report was adopted and the bill ordered engrossed.

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred the reports of the directors and wardens of the Territorial penitentiary, would report that they find no error therein.

TATEM, *Chairman*.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred House Bill No. 33, with amendments, report said amendments correctly engrossed.

I. I. LEWIS, *Chairman*.

On motion of Watson, the rules were suspended and H. B. No. 33 read the third time by title, and passed by the following vote:

Ayes—Abascal, Allebaugh, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, and Watson—10.

Nays—Mr. President—1.

Absent—Bass and Graham.

Title agreed to.

Mr. Lewis reported as follows:

MR. PRESIDENT—Your Committee on Engrossment report Council Bill No. 62 correctly engrossed.

I. I. LEWIS, *Chairman*.

H. B. No. 80, A Bill for an act fixing the time of the meeting of the Legislative Assembly, was read the third time and passed by the following vote:

Ayes—Abascal, Allebaugh, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—None.

Absent—Bass and Cardwell.

Title agreed to.

On motion of Lewis, C. B. No. 33 was considered engrossed, read the third time, and passed by the following vote:

Ayes—Abascal, Allebaugh, Cardwell, Constans, Hornbuckle, Lewis, Tatem, and Watson—8.

Nays—Bass, Cullen, Graham, Hays, and Mr. President—5.

Title agreed to.

The following communication was received:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 8, 1876. }

To the Council:

I have the honor to inform the Council that I did on the 3d day of February, 1876, approve C. B. No. 13, entitled An Act to abolish private seals.

Also, on the 5th day of February, 1876, I approved C. B. No. 45, entitled An Act to amend an act in relation to counties and county officers, approved January 12, 1872.

Also, on the 7th day of February, 1876, I approved C. B. No. 47, entitled An Act to amend sections 244 and 247 of the civil practice act.

Also, on the 8th day of February, 1876, I approved C. B. No. 20, entitled An Act in relation to the management of insane persons in Montana Territory.

Also, on the same day I approved C. B. No. 35, entitled An Act concerning notaries public.

Also, on the same day I approved C. B. No. 38, entitled An Act to prevent the purchase and sale of votes.

Very respectfully,

B. F. POTTS, *Governor.*

On motion of Cardwell, C. B. No. 46 was made the special order for 2 o'clock P. M. to-morrow.

On motion of Cardwell, the Council adjourned until 10 o'clock to-morrow.

HARRY R. COMLY,

Chief Clerk.

THIRTY-EIGHTH DAY.

February 9, 1876.

Council met pursuant to adjournment, at 10 o'clock A. M.

Mr. President in the Chair.

Roll called—all present.

Prayer by Rev. W. C. Rommel, Chaplain.

Journal of yesterday read and approved.

Mr. Hays presented a petition from citizens of Prickly Pear valley, asking the Legislative Assembly to pass the N. P. R. R. bill, and to oppose subsidies.

Clerk was instructed to hand C. B. No. 30 to the Enrolling Committee.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment report C. B. No. 55, A Bill for an act to encourage immigration, and for other purposes, back to the Council correctly engrossed.

I. I. LEWIS, *Chairman*.

Mr. Hornbuckle offered the following resolution :

Resolved, By the Council, that the assertion that the adjournment of the Council on yesterday, the 8th inst., was for the purpose of defeating the bill known as the north and south railroad bill, or that such adjournment had any reference to said measure, is false, and is a base and infamous slander upon this Council.

JAMES HORNBUCKLE.

On motion of Cullen, the resolution was adopted by the following vote :

Ayes—Abascal, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, and Mr. President—8.

Nays—Allebaugh, Tatem, and Watson—3.

Absent—Graham.

Mr. Bass introduced C. C. R. No. 8, which was read first and second times.

On motion of Bass, the rules were suspended, the resolution read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—None.

Absent—Graham.

Title agreed to.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, MONTANA, Feb. 9, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House has passed the following bills, viz. : H. Bs. Nos. 87, 38, 81, 86, substitute for H. B. No. 67, H. Bs. Nos. 53, 78, 59, 75, and H. J. M. No. 4.

Also, that the following bills have been rejected: H. B. No. 70, C. Bs. Nos. 54, 32, 53, 3, 63, 42, and 33.

Also, that the following is returned to the Council with request that Council amend the enacting clause: C. B. No. 57. All of which are herewith transmitted.

Respectfully,

A. H. BARRET,
Chief Clerk.

The Clerk was instructed to request the House to return the Council Bills rejected by the House.

On motion of Tatem, the Clerk was instructed to amend the enacting clause of C. B. No. 57.

H. B. No. 86, An Act in relation to schools, was read first and second times and referred to Committee on Education.

Mr. President announced that he had signed the following bills, to-wit: C. B. No. 30, H. Bs. Nos. 16, 62, 57, 65, 21, 64, H. J. M. No. 5 (four copies), H. Bs. Nos. 66, 73, and 80.

Mr. Bass in the Chair.

H. B. No. 39, An Act to provide for the care, support, and maintenance of the sick, poor and infirm of the several counties, was read first and second times and referred to Committee of the Who'e.

H. B. No. 81, A Bill for an act in relation to schools, was read first and second times and referred to Committee of the Whole.

H. J. M. No. 4 was read first and second times, and, on motion of Cullen, the rules were suspended, read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, and Watson—11.

Nays—None.

Title agreed to.

On motion of Tatem, the rules were suspended, H. B. No. 39 was read first and second times by title, and, on motion of Tatem, referred to Committee of Stock-growers, composed of Hornbuckle, Hays, and Cardwell.

On motion of Cullen, Bass was added to the committee.

On motion of Cardwell, Mr. Allebaugh was added to the Committee.

H. B. No. 78, An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, was read first and second times and referred to a committee composed of the members from Lewis and Clarke, Meagher, and Chouteau counties.

On motion of Cardwell, the Council took a a recess until 2 o'clock P. M.

2 o'clock P. M.

Roll called—All present.

H. B. No. 87, An Act to provide for the funding of the outstanding twelve per cent bonds of Meagher county, and for other purposes, was read first and second times, and, on motion of Hornbuckle, the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, President—13.

Nays—None.

Title agreed to.

H. B. B. 67, A Bill for an act to amend section 260 of an act entitled An Act regulating proceedings in courts of justice in Montana Territory, was read first and second times, and referred to Committee on Judiciary.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, Feb. 9th, 1876.

MR. PRESIDENT—I am instructed to inform your honorable body that House Bills 77, 89, 79, substitute H. B. 37, substitute H. B. 71, have passed the House, and are herewith transmitted.

Respectfully,

A. H. BARRET,

Chief Clerk.

On motion of Watson, the rules were suspended, and H. B. 53, A Bill for an act to create the new county of Dearborn, was read first and second times by title, and referred to Com-

mittee of members from Chouteau, Meagher, and Lewis and Clarke.

On motion of Tatem, the rules were suspended, and H. B. No. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad, was read first and second times by title, and referred to Committee of the Whole.

On motion of Cardwell, the bill was made the special order for 10 A. M. to-morrow.

H. B. 71, An Act prescribing the jurisdiction of courts in criminal cases, was read first and second times, and Watson moved to suspend rules, and read third time by title, which motion prevailed, the bill read third time by title and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hays, Hornbuckle, Tatem, Watson, and President—10.

Nays—Cullen, Graham, and Lewis—3.

Title agreed to.

The following report was received :

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 78, report the same back to the Council, and recommend its passage.

W. E. CULLEN, of Lewis and Clarke,

B. H. TATEM, “ “

PH. CONSTANS, “ “

JAMES HORNBUCKLE, of Meagher and Chouteau.

Committee.

H. B. No. 79, An Act to amend section 73 of chapter 6, of the criminal laws of Montana Territory, was read first and second times and referred to Committee on Judiciary.

H. B. No. 37, An Act to tax jury fees in civil actions, was read first and second times, and on motion of Hornbuckle, the bill was indefinitely postponed, by the following vote :

Ayes—Abascal, Cardwell, Constans, Cullen, Graham, Hornbuckle, Lewis, Tatem, and Watson—9.

Nays—Allebaugh, Bass, Hays and President—4.

H. B. 89, An Act concerning firemen, was read first time, and Cardwell objected ; the question to reject was lost by the following vote :

Ayes—Abascal, Cardwell, Hays, Hornbuckle, and Watson—5.

Nays—Allebaugh, Bass, Constans, Cullen, Graham, Lewis, Tatem and President—8.

The bill was read second time, and referred to Committee on Towns and Counties.

H. B. 78, An Act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river at or near Fort Benton to the City of Helena, was read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, President—12.

Nays—Graham.

C. B. 55, A Bill for an act to encourage immigration, and for other purposes, was read third time, and lost by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, and Hays—6.

Nays—Cullen, Hornbuckle, Lewis, Tatem, Watson, and President—6.

Excused—Graham.

C. B. 62, An Act to prohibit the traffic in intoxicating liquors on general election days, was read third time and passed by the following vote :

Ayes—Allebaugh, Cardwell, Cullen, Hays, Hornbuckle, Lewis and Tatem—7.

Nays—Abascal, Bass, Constans, Graham, Watson, and President—6.

Title agreed to.

On motion of Tatem, C. B. No. 51 was considered engrossed, and read third time and lost by the following vote :

Ayes—Allebaugh, Bass, Cullen, Hays, and Tatem—5.

Nays—Abascal, Cardwell, Constans, Graham, Hornbuckle, Lewis, Watson, and President—8.

Mr. Lewis introduced, by consent, C. J. R. No. 9, which was read first and second times ; on motion of Cullen, the rules were suspended, the resolution read third time, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, President—13.

Nays—None.

Title agreed to.

The following report was received :

MR. PRESIDENT—Your Committee on Education, to whom was referred House Bill No. 86, beg leave to report the same back to the Council, and recommend that the same be referred to the Committee of the whole.

WATSON,
CONSTANS.

Report adopted.

The Council went into Committee of the Whole to consider the general orders.

Council resumed.

On motion of Tatem, the Council took a recess until 8 P. M.

8 o'clock P. M.—Council resumed.

Roll called.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred C. B. No. 46, An Act for the relief of John C. Guy, also, H. B. No. 59, An Act to provide for the care, support, and maintenance of the sick, poor, and infirm of the several counties, have instructed me to report progress on C. B. No. 46, and ask leave to sit again.

Also, to report H. B. No. 59 back to the Council with the following amendments: Insert after the word "minor," in 1st line of section 9, the words, "under fifteen years of age." And strike out of the 13th, 14th, 15th and 16th lines of section 9 the words, "and shall in all respects be to the tenor and effect as required in the act concerning apprentices."

Recommending that H. B. 59, with said amendments, do pass.

I. I. LEWIS, *Chairman.*

On motion of Cullen, report was adopted, and the amendments of H. B. No. 59 were ordered engrossed.

Mr. Allebaugh reported as follows :

MR. PRESIDENT—Your Committee of the Whole, to whom was referred H. B. No. 81, An Act in relation to schools, have instructed me to report the same back to the Council, with a recommendation that the same pass.

Also, C. B. No. 46, A Bill for an act for the relief of John C. Guy, and recommend that the same do not pass.

ALLEBAUGH, *Chairman.*

On motion of Cardwell, the report was adopted.

H. B. No. 81 was read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Tatem, Watson, and Mr. President—12.

Nays—None.

Absent—Hornbuckle.

Title agreed to.

C. B. No. 46, An Act for the relief of John C. Guy, was read third time and lost by the following vote :

Ayes—Graham—1.

Nays—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Lewis, Tatem, Watson, and Mr. President—11.

Absent—Hornbuckle.

On motion of Tatem, C. B. No. 27 was considered engrossed, read third time, and lost by the following vote :

Ayes—Bass, Graham, and Hays—3.

Nays—Abascal, Allebaugh, Cardwell, Constans, Cullen, Lewis, Tatem, Watson, and Mr. President—9.

Absent—Hornbuckle.

The following report was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Feb. 9, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. B. No. 16 passed the House, with amendments.

That C. B. No. 36 passed the House.

That H. Bs. Nos. 68, 74, 82, 69, and 43 passed the House, and are herewith transmitted.

That C. Bs. Nos. 20 and 41 were lost in the House.

That I transmit herewith C. Bs. Nos. 53, 3, 32, 42, 63, 33, 54, and 2.

Respectfully,

A. B. BARRET,
Chief Clerk.

On motion of Watson, House amendments to C. B. No. 16 were concurred in, and the bill ordered enrolled, and C. B. No. 36 was ordered enrolled.

On motion of Graham, the Council adjourned until to-morrow at 10 A. M.

HARRY R. COMLY,
Chief Clerk.

THIRTY-NINTH DAY.

February 10, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The following report was received :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred H. B. No. 89, concerning firemen, beg leave to report the same back to the Council with the recommendation that it pass.

J. ABASCAL, *Chairman*.

Mr. Tatem reported that he handed C. B. No. 30 to the Governor at 12:45 P. M. yesterday.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Agriculture and Manufactures, to whom was referred House Bill No. 54, beg leave to report the same back to the Council with the recommendation that it pass.

W. E. BASS.

On motion of Cullen, the report was adopted.

Mr. Bass reported as follows :

MR. PRESIDENT—Your Committee on Roads and Highways, to whom was referred House Bill No. 1, beg leave to recommend the passage of the same.

W. E. BASS.

On motion of Cullen, the report was adopted.

Mr. Hornbuckle gave notice that he would on to-morrow, or some future day, introduce a bill on printing.

Mr. Abascal moved to reconsider the vote by which C. B. No. 55 was lost, which motion prevailed, and, on motion of Tatem, C. B. No. 55 was referred to the Committee on Immigration.

H. B. No. 74 was read first and second times and referred to the Judiciary Committee.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 9, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that the House has receded from their amendments to C. B. No. 14.

Respectfully,
A. H. BARRET,
Chief Clerk.

C. B. No. 14 was ordered enrolled.

H. B. No. 69, A Bill for an act regulating costs and fees in criminal cases, was read the first time, and Graham objected, and the bill was rejected by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Graham, Hays, Lewis, Tatem, and Mr. President—10.

Nays—Cullen, Hornbuckle, and Watson—3.

H. B. No. 43, An Act concerning licenses, was read the first time, and Hornbuckle objected, and the motion to reject was lost by the following vote :

Ayes—Graham and Hornbuckle—2.

Nays—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Lewis, Tatem, Watson, and Mr. President—11.

And the bill was referred to the Committee on Ways and Means.

H. B. No. 77, An Act entitled an act to provide for the insane, was read the first time, and Graham objected, and the motion to reject was lost by the following vote:

Ayes—Abascal, Cardwell, and Graham—3.

Nays—Allebaugh, Bass, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—10.

And the bill was read the second time and referred to the Committee on Internal Improvements.

H. B. No. 68, An Act for the relief of minor heirs in certain cases, was read first and second times and referred to the Judiciary Committee.

H. B. No. 82, A Bill for an act to authorize the county commissioners of Deer Lodge county to pay certain claims, was read the first time, and Graham objected. The motion to reject was lost, and the bill was referred to the whole delegation of Deer Lodge county.

On motion of Bass, the Council took a recess until 1 o'clock P. M.

1 o'clock P. M.—Roll called.

Mr. Tatem reported C. Bs. Nos. 14 and 16 correctly enrolled.

The following report was received:

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MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred House Bill No. 77, An Act entitled an act to provide for the insane, beg leave to report that there is no law in force providing for the care and maintenance of the Territorial insane; that it is necessary that some provision should be made; that the bill referred to us may not be in every respect what it might be desired; deem it advisable the same be acted upon in Committee of the Whole, report it back to the Council with that recommendation.

I. I. LEWIS, *Chairman.*

Report adopted.

The following report was received:

MR. PRESIDENT—Your Committee, to whom was referred H. No. 38, have carefully examined the same and beg leave to submit the following report:

Strike out section four (4) and in lieu thereof insert the following: "All animals may be declared estrays by the stock boards of the several counties except those that have a duly recorded brand in the general recorder's office in the Territory, and those whose owners are known to said stock board; also, except sucking colts and calves following their mother."

Also, strike out all of section 5 after the word "branded," in line 4 of printed bill.

With the above amendments we respectfully recommend the same do pass.

JAMES HORNBUCKLE.
EDWARD CARDWELL,
J. B. ALLEBAUGH.

On motion of Watson, the report was adopted.

H. B. No. 1, An Act to amend an act entitled an act in relation to roads and highways, approved February 12, 1874, was read third time and passed by the following vote:

Ayes—Allebaugh, Cardwell, Hays, Hornbuckle, Lewis, Watson, and Mr. President—7.

Nays—Bass, Cullen, Graham, and Tatem—4.

Absent—Abascal and Constans.

Title agreed to.

On motion of Watson, H. B. No. 89 was read third time by title and passed by the following vote :

Ayes—Allebaugh, Bass, Cardwell, Cullen, Hays, Lewis, Tatem, Watson, and Mr. President—9.

Nays—Graham and Hornbuckle—2.

Title agreed to.

H. B. No. 54, An Act to protect agricultural societies, was read third time, and Hornbuckle moved a call of the House.

Roll called—Absent, Abascal.

Abascal present—call dispensed with.

Bass moved to recommit to a special committee.

On this motion the ayes and nays were demanded, and the motion prevailed by the following vote :

Ayes—Allebaugh, Bass, Cardwell, Cullen, Graham, Hays, Tatem, Watson, and Mr. President—9.

Nays—Abascal, Constans, Hornbuckle, and Lewis—4.

The Chair appointed Bass, Watson, and Tatem such committee.

Mr. President announced that he had signed H. B. No. 26 and H. B. No. 27.

The following report was received and adopted :

MR. PRESIDENT—Your committee consisting of the members of Deer Lodge county, having had H. B. No. 82 under consideration, and after duly considering the same, beg leave to report the same back, with the recommendation that it pass.

J. ABASCAL,
A. BROWN.

On motion of Watson, H. B. No. 82 was read third time by title and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—Graham and Hays—2.

Title agreed to.

On motion of Tatem, the Council went into Committee of the Whole on H. B. No. 75.

Council resumed.

The President announced that he had signed C. B. No. 16 and C. B. No. 14.

Mr. Cullen, without previous notice, introduced C. B. No. 65, An Act to provide for the custody, maintenance, and treatment of the insane, which was read the first time, and Tatem objected.

Mr. Tatem withdrew his objection, and the bill was read second time.

On motion of Watson, the rules were suspended, the bill read third time and passed by the following vote :

Aays—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Allebaugh reported as follows:

MR. PRESIDENT—Your Committee of the Whole have directed me to report back H. B. No. 75 with amendments attached, and recommend its passage.

ALLEBAUGH, *Chairman*.

On motion of Tatem, the report adopted, and the amendments ordered engrossed.

The following communication was received.

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 10, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that C. B. 62 was passed.

That C. J. R. No. 9 was passed by the House.

That C. B. 57 was rejected.

And C. J. R. No. 8 was lost in the House.

That the House concurred in Council amendments to H. B. 59.

Respectfully,

A. H. BARRET,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
HELENA, MONTANA, Feb. 10, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. B. No. 44 has passed the House, ayes 23, nays 3.

Respectfully,

A. H. BARRET,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
FEBRUARY 10, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that H. B. 88 has passed the House.

Respectfully,
A. H. BARRET,
Chief Clerk.

C. J. R. No. 9 and C. B. No. 2 were ordered enrolled.

On motion of Hays, the Council concurred in House amendments to C. B. 44, and the bill was ordered enrolled.

Hornbuckle reported as follows:

MR. PRESIDENT—Your Committee on Immigration, to whom was referred C. B. No. 55, refer the same back without amendments, and recommend that the same be considered in Committee of the Whole.

HORNBUCKLE, *Chairman.*

On motion of Cullen, the report was adopted.

On motion of Bass, the Council adjourned until to-morrow at 10 A. M.

HARRY R. COMLY,
Chief Clerk.

FORTIETH DAY.

February 11, 1876.

Council met pursuant to adjournment at 10 o'clock A. M., Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The following communication was received :

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 11, 1876. }

To the Legislative Assembly :

The only object in requiring the Territory to provide for the treatment and maintenance of the insane is, that they may have better and more successful treatment than the counties can afford. In my judgment the Territory cannot provide proper treatment for the insane unless buildings are provided, and a man who has made the treatment of insane persons a speciality employed to care for and treat them.

The hospital that now has charge of the insane possesses no advantages for proper treatment over the hospitals in the several counties ; and I have no doubt that the cost of keeping them in the counties will be less than has been paid to the hospital in this place during the last twenty months. It certainly cannot be more anywhere, or under any circumstances.

The law of two years ago was defective. Under its provisions an insane person could be admitted, but no provision was made for his discharge, and no authority existed to employ a competent person to determine whether any of the insane should be discharged or not. If the Legislative Assembly in its wisdom determines not to provide proper buildings for the care of the insane and employ competent medical attendance, then let them be returned to the several counties for treatment there. The levy for Territorial purposes was reduced one-fourth two years ago, and added to the levy for county purposes, and you have not at the present session seen fit to change it ; therefore I think the responsibility of the care and maintenance of the insane should devolve upon the several counties until such time as a Territorial asylum is built. No legislation should be had for the renewal of the contract under the law of two years ago, unless it be temporarily, until proper buildings can be erected or purchased for an asylum.

You should provide for the payment of the hospital since December 31, 1875, by joint resolution.

Very respectfully,

B. F. POTTS, *Governor*.

The Committee on Enrollment reported that they handed Council Bills Nos. 14 and 16 to the Governor at 5:05 P. M. February 10, 1876.

The following report was received:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House Bill No. 43, An Act concerning licenses, beg leave to report the same back to the Council with the following amendments: Amend section 1 in the second line of the first sub-division, strike out the word "ten," and insert the word "three" (3) in lieu thereof, and recommend its passage.

WATSON.

On motion of Cullen, the report was adopted.

The following report was received:

MR. PRESIDENT—Your Committee of the Judiciary, to whom was referred H. B. No. 68, entitled An Act for the relief of minor heirs in certain cases, respectfully report the same back to the Council, recommending its passage.

W. E. CULLEN, *Chairman*.

On motion of Lewis, the report was adopted.

On motion of Watson, the rules were suspended, and Lewis offered the following amendment to H. B. No. 43:

"Strike out the seventh sub-division of section 1," and, on motion, the amendment was adopted.

The following report was received:

MR. PRESIDENT—Your Committee on Enrollment would report C. Bs. Nos. 36 and 62, and C. J. R. No. 9, correctly enrolled.

TATEM, *Chairman*.

On motion of Watson, the rules were suspended, H. B. No. 43, An Act concerning licenses, was read the third time, as amended, and passed by the following vote :

Ayes—Abasal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—Graham—1.

Title agreed to.

Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary would respectfully report H. B. No. 74 back to the Council, and recommend that it do pass.

W. E. CULLEN, *Chairman*.

Mr. President announced that he had signed H. B. No. 87, H. B. No. 82, H. B. No. 1, H. B. No. 59, H. B. No. 71, H. B. No. 78, H. B. No. 81, H. B. No. 34, H. B. No. 89, and H. B. No. 33.

The Enrollment Committee reported C. B. 44 correctly enrolled.

Cullen reported as follows :

MR. PRESIDENT—Your Committee of the Judiciary to whom was referred H. B. No. 79, entitled An Act to amend section 73 of chapter 6, of the criminal laws of Montana Territory, respectfully report the same back to the Council, recommending its passage.

W. E. CULLEN, *Chairman*.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 11, 1876. }

MR. PRESIDENT—I am instructed to inform your honorable body that the House has passed H. B. No. 85, and the same is herewith transmitted.

That House Bills Nos. 3 and 8 have passed the House.

That H. B. No. 4 was lost.

BARRETT, *Chief Clerk.*

The following communication was received.

HOUSE OF REPRESENTATIVES, }
HELENA, Feb. 11, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that C. Bs. 29, 59 and 64, have passed the House.

That C. Bs. 19 and 34 have passed the House with amendments.

That C. B. 43 has been indefinitely postponed in the House.

That the House concurred in Council amendments to H. B. 59.

Respectfully,

A. H. BARRET,
Chief Clerk.

C. Bs. 29, 59, and 64 were ordered enrolled.

The Chair announced that he had signed H. B. No. 20.

The following resolution was read, and, on motion of Watson, adopted :

Whereas, Upon the report of the Committee of the Whole, on H. B. No. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad, the bill and amendments reported were not handed to Harry R. Comly, Chief Clerk, but were otherwise disposed of, therefore, be it

Resolved, That the Chief Clerk is exonerated from all blame in his official duties, if any errors or mistakes have occurred in the engrossment of said amendments to said bill.

GRAHAM.

On motion of Watson, the House amendments to C. B. No. 19 were concurred in, and the bill ordered enrolled.

On motion of Cullen, the Council concurred in House amendments to C. B. No. 34, and the bill ordered enrolled.

H. B. No. 3, An Act concerning claim and delivery, was read first and second times, and referred to Judiciary Committee.

Chair announced he had signed C. B. 62, C. B. 36, and C. J. R. No. 9.

H. B. No. 8, An Act in relation to executors and administrators, was read first and second times, and referred to the Judiciary Committee.

Mr. Cardwell in the chair.

H. B. No. 85, An Act apportioning the members of the Legislative Assembly, and prescribing the time of their election, was read the first time, and Brown objected on the ground that a bill of a similar character had been indefinitely postponed in this house.

The Chair decided the point well taken, and Watson appealed.

The Chair was sustained by the following vote :

Ayes—Abascal, Bass, Cardwell, Graham, Hays, Lewis, and Mr. President—7.

Nays—Allebaugh, Constans, Cullen, Hornbuckle, Tatem, and Watson—6.

On motion of Brown, the Council adjourned until 1 P. M.

1 o'clock P. M.

Roll called—all present.

Journal read and approved to this time.

The Enrolling Committee reported that they had handed C. B. No. 44 to the Governor at 11 A. M., and Council Bills Nos. 36 and 62, and C. J. R. No. 9 at 12:10 P. M.

Mr. Lewis reported as follows :

MR. PRESIDENT—Your Committee on Engrossment, to whom was referred House Bill No. 75, A Bill for an act to enable the people of the Territory of Montana to aid in the construction of a railroad, report that said bill, with the amendments thereto attached, has been, as a whole, correctly engrossed.

I. I. LEWIS, *Chairman*.

H. B. No. 75, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Constans, Cullen, Hays, Lewis, Tatem, and Watson—9.

Nays—Bass, Cardwell, Graham, and Hornbuckle—4.

Title agreed to.

Mr. Tatem reported C. B. No. 64 correctly enrolled.

Mr. Cullen reported as follows :

MR. PRESIDENT—Your Committee of Conference to meet a like committee from the House, to confer upon the Council amendments to H. B. No. 42, entitled An Act to facilitate and enforce the performance of official duties, would respectfully report that they have had such conference, and that the House committee will recommend the House to concur in the Council amendment.

WATSON,
W. E. CULLEN.

On motion of Watson, the report was adopted.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 11, 1876. }

MR. PRESIDENT—I am instructed to inform the Council that the House concurred in the third amendment of the Council to H. B. No. 43.

That the House do not concur in the first and second amendments to H. B. No. 43, and ask the Council to recede therefrom.

That House Bills Nos. 52, 90 and 91 have passed, and are herewith transmitted.

Respectfully,

A. H. BARRET,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
HELENA, M. T., Feb. 11, 1876. }

MR. PRESIDENT—I am directed to inform the Council that the House has passed C. B. No. 37, with amendments.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Bass moved to concur in the House amendments to C. B. No. 37, An Act to amend sections 3 and 14 of an act providing for the collection of revenue, which motion was lost by the following vote:

Ayes—Bass and Graham—2.

Nays—Abascal, Allebaugh, Cardwell, Constans, Cullen, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

The following communication was received:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
HELENA, M. T., Feb. 11, 1876. }

To the Council:

I have the honor to inform the Council that I have this day approved C. B. No. 44, entitled An Act to encourage the construction of the Northern Pacific railroad in the Territory of Montana.

Respectfully,

B. F. POTTS, *Governor.*

On motion of Watson, the Council adhered to the Council amendments to H. B. No. 43.

Hays moved that the committee in possession of H. B. No. 53 be instructed to report at 4 P. M., and the motion was lost.

On motion of Watson, H. B. No. 38 was read the third time by title, and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, and Watson—12.

Nays—Mr. President—1.

Title agreed to.

H. B. No. 68, An Act for the relief of minor heirs in certain cases, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—11.

Nays—Graham and Hays—2.

Title agreed to.

The President announced that he had signed C. B. No. 64.

H. B. No. 79, An Act to amend section 73 of chapter 6 of the criminal laws of Montana Territory, was read the third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Hays, Hornbuckle, Lewis, and Tatem—9.

Nays—Graham, Watson, and Mr. President—3.

Absent—Cullen.

Title agreed to.

Mr. Bass moved to take a recess until 4 o'clock.

Mr. Tatem moved to go into Committee of the Whole. Lost.

Mr. Bass's motion prevailed, and the Council took a recess until 4 P. M.

4 o'clock P. M.—Council resumed.

Roll called—all present.

The President announced that he had signed H. B. No. 7, H. B. No. 42, and H. B. No. 75.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, M. T. Feb. 11, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that C. B. No. 23, C. J. Rs. Nos. 6 and 7, and H. J. R. No. 1 have passed.

That the House concurred in Council amendments to House Bills No. 38 and 43.

That C. B. No. 52 was lost.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Tatem reported C. J. R. No. 7 correctly enrolled.

Mr. Tatem reported that he had handed to the Governor at 3 A. M., C. B. No. 64.

H. B. No. 74, An Act in relation to liens, was rejected.

C. B. No. 23, C. J. R. No. 6, and C. J. R. No. 7 were ordered enrolled.

MR. PRESIDENT—Your Committee of the Judiciary would respectfully report back to the Council H. B. No. 67, H. B. No. 83, H. B. No. 3, and H. B. No. 8, without recommendation.

W. E. CULLEN, *Chairman*.

On motion of Watson, H. B. No. 8, H. B. No. 83, H. B. No. 67, and H. B. No. 3, were made the special order for 10 A. M. to-morrow.

Tatem moved that H. B. No. 77 be taken from the Committee of the Whole, which motion prevailed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, and Tatem—9.

Nays—Graham, Hays, Watson, and Mr. President—4.

Cardwell moved to make H. B. No. 77 the special order for to-morrow at 2½ P. M., which motion prevailed by the following vote :

Ayes—Abascal, Bass, Cardwell, Graham, Hays, Watson, and Mr. President—7.

Nays—Allebaugh, Constans, Cullen, Hornbuckle, Lewis, and Tatem—6.

H. B. No. 88, An Act relating to the distribution and preservation of the published laws of Montana Territory, and for other purposes, was read first and second times, and, on motion of Tatem, was read the third time by title, and passed by the following vote :

Ayes—Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson, and Mr. President—12.

Nays—None.

Absent—Abascal.

Title agreed to.

Mr. Hays moved that H. B. No. 53 be taken from the Committee to whom it was referred, and made the special order for 7½ P. M.

A call of the house was demanded, and Abascal was absent.

Abascal in his seat.

Mr. Tatem moved that the Council take a recess until 7½ P. M., which motion prevailed by the following vote :

Ayes—Abascal, Allebaugh, Constans, Cullen, Graham, Hornbuckle, Lewis, and Tatem—8.

Nays—Bass, Cardwell, Hays, Watson, and Mr. President—5.

And the Council took a recess until 7½ P. M.

7½ P. M.—Council resumed.

Roll called—all present.

The President announced that he had signed C. J. R. No. 7.

The journal read to this time and approved.

Mr. Tatem reported C. J. R. No. 6, and Council Bills Nos. 19, 23, 29, 34 and 59 correctly enrolled.

The following report was received :

MR. PRESIDENT—Your Special Committee, to whom was referred House Bill No. 53, have examined the same and recommend the same do not pass.

HORNEBUKLE, *Chairman*,
W. E. CULLEN,
B. H. TATEM,
P. CONSTANS.

On motion, the report was adopted.

On motion of Tatem, H. B. No. 53, An Act to create the new county of Dearborn, was indefinitely postponed.

The following resolution was introduced, and, on motion of Watson, adopted :

Resolved, That the thanks of the Council be, and the same are hereby, tendered to the clergymen of this city who have officiated as chaplains to this body during the present session.

WATSON.

Mr. Hays introduced the following resolution, which was adopted :

Resolved, That the thanks of the Council are due, and are hereby tendered to Harry R. Comly, Chief Clerk; G. Edward Watson, Assistant Clerk; Henry Wilkinson, Engrossing Clerk; Patrick Tallent, Enrolling Clerk; Otis Strickland, Sergeant-at-Arms; P. H. Maloney, Door-Keeper; James A. Dixon, Fireman; and George J. Lewis, Page, for the able and efficient manner in which they have performed the duties of their respective positions during the present session.

HAYS.

Mr. Lewis introduced the following resolution, and moved its adoption :

Mr. Watson demanded the ayes and nays.

Resolved, That the thanks of the Council are due, and are hereby tendered to the Honorable Asa A. Brown, President of the Council, for the able, dignified and impartial manner in which he has presided over the deliberations of this body.

LEWIS.

The resolution was adopted by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Graham, Hays, Hornbuckle, Lewis, Tatem, Watson—12.

Mr. Hornbuckle introduced the following resolution, which on motion was adopted :

Resolved, That the thanks of the Council are due to Maj. R. C. Walker, for the full, fair and faithful report of the proceedings of this body which he has made to the paper represented by him.

JAMES HORNBUCKLE.

The following communication was received.

HOUSE OF REPRESENTATIVES, }
HELENA, MONTANA, Feb. 11, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the following bills have passed the House, and are herewith transmitted :

H. B. No. 92, H. B. No. 58.

Also, the following :

H. C. R. No.—

Respectfully,

A. H. BARRET,

Chief Clerk.

H. C. R., in relation to adjournment at 11 : 55 this P. M., was concurred in.

The President announced that he had signed H. J. M. No. 4, C. B. No. 34, H. B. 43, H. B. 68, C. J. R. No. 6, C. B. 19, C. B. 29, H. B. 38, C. B. 59, H. B. 79, C. B. 23.

C. B. No. 58 was ordered enrolled.

H. B. 90, An Act for the relief of Seth Bullock, was read first and senond time; on motion of Tatem, the rules were suspended, the bill read third time by title, and lost by the following vote:

Ayes—Hornbuckle, Tatem, President—3.

Nays—Abascal, Cardwell, Constans, Cullen, Graham, Hays, Lewis, Watson—8.

Absent—Bass.

The Enrollment Committee reported they had handed to the Governor C. Bs. Nos. 23, 34, 19, 29, 59 and C. J. R. No. 6.

H. B. No. 92, An Act to provide for the manner of conducting elections, was read first and second times, and on motion of Tatem, the rules were suspended, the bill read a third time.

Mr. Cullen moved to re-consider, and the motion prevailed, and the bill was referred to a special committee consisting of Cullen, Lewis; and Tatem.

The Chair announced that he had signed H. B. 88.

The Council went into executive session on communication from the Governor.

Council resumed, and the Clerk instructed to record that the following named persons, nominated by the Governor as notaries public, were confirmed by the Council, to-wit:

Alexander J. Elder, Michael Hanaly, James McElroy, Chas. H. Peck, Geo. D. C. Hibbs, James M. Page, M. D. Johnson, James M. Young.

The Enrollment Committee reported that they had handed to the Governor C. J. R. No. 7 this day.

The Special Committee reported H. B. 92, with amendments to section 2 of said act, which amendment was adopted, and the bill read third time and passed by the following vote :

Ayes—Abascal, Allebaugh, Bass, Cardwell, Constans, Cullen, Hornbuckle, Lewis, and President—9.

Nays—Hays, Tatem and Watson—3.

Absent—Graham.

Title agreed to.

The following communication was received :

HOUSE OF REPRESENTATIVES, {
HELENA, MONTANA, Feb. 11th, 1876. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that the following bills have passed the House :

H. J. M. No. 6; also, a resolution of request to Council; also, a resolution in regard to H. B. No. 77, and that the same are herewith transmitted.

Respectfully,

A. H. BARRET,

Chief Clerk.

H. J. M. No. 6 was read first time and rejected.

Enrollment Committee reported that they had handed C. B. 58 to the Governor.

The following communication was received :

HOUSE OF REPRESENTATIVES, }
HELENA, MONTANA, Feb. 11, 1876. }

MR. PRESIDENT—I am directed by the House to inform the Council that the House do not concur in Council amendments to H. B. 92, and ask the Council to recede therefrom.

Respectfully,

A. H. BARRET,
Chief Clerk.

Mr. Watson moved to recede from Council amendments to H. B. 92, which motion was lost.

C. J. R. No. 10, in relation to the keeping, clothing, and maintainance of Territorial convicts, was read first and second times, rules suspended, read third time by title, and passed by the following vote:

Ayes—Abascal, Allebaugh, Constans, Cullen, Hornbuckle, Lewis, Tatem, Watson, and President—9,

Nays—Hays—1.

Absent—Bass, Cardwell, and Graham—3.

Mr. Cullen moved to re-consider the vote by which the Council refused to recede from its amendments to H. B. 92, which motion prevailed, and on motion of Cullen, the Council receded from its amendments to H. B. 92.

The following communication was received:

HOUSE OF REPRESENTATIVES, }
HELENA, MONTANA, Feb. 11, 1876. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following bill has passed the House: H. B. No. 93.

And that the same is herewith transmitted.

Respectfully,

A. H. BARRET.

H. B. 93 was read first time and Abascal objected; and the motion to reject was lost by the following vote:

Ayes—Abascal, Cardwell, Cullen, Hornbuckle, Watson, and Mr. President—6.

Nays—Allebaugh, Bass, Constans, Hays, Lewis, and Tatem—6.

Absent—Graham.

Mr. Tatem moved to suspend the rules, read the bill a third time by title, which motion was lost by the following vote:

Ayes—Allebaugh, Constans, Lewis, and Tatem—4.

Nays—Abascal, Bass, Cardwell, Cullen, Hays, Hornbuckle, Watson,^e and President—8.

Absent—Graham.

On motion of Tatem, the Sergeant-at-Arms was instructed to ask the Governor if he had any other communication to make.

The minutes to this time were approved.

The following communication was received:

MONTANA TERRITORY,
EXECUTIVE DEPARTMENT,
HELENA, Feb. 11, 1876. }

To the Council:

I have the honor to inform the Council that on the 9th day of February, 1876, I approved C. B. No. 30, entitled An Act defining the boundary lines of Meagher county; also, on the 11th day of February, 1876, I approved C. B. No. 16, entitled An Act for the funding of the outstanding indebtedness of Montana Territory, and for the redemption of the 12 per cent

bonds; also, on the same day I approved C. B. No. 14, entitled An Act to compel owners of toll roads and bridges to keep the same in repair; also, on same day I approved C. B. No. 62, entitled An Act to prohibit the traffic in intoxicating liquors on general election days; also, on same day C. B. No. 36, entitled An Act concerning chattel mortgages; also, on same day I approved C. B. No. 64, entitled An Act for the relief of Henry Sonnefield; also, on same I approved C. B. No. 23, entitled An Act for the relief of John Quirk; also, on the same day I approved C. B. No. 29, entitled An Act for the relief of Seth Bullock; also, on same I approved C. B. No. 59, entitled An Act to provide for the appointment of guardians for persons insane; also, on same day I approved C. B. No. 19, entitled An Act requiring witnesses' and jurors' fees to be paid into the county treasury; also, on same day I approved Council Joint Resolution No. 7, appropriating moneys for recorder of marks and brands.

Very respectfully,

B. F. POTTS, *Governor.*

The journal to this writing was approved.

The President then declared the Council adjourned without day.

HARRY R. COMLY,

Chief Clerk.

We hereby certify that the foregoing journal contained on page 1, and this page, 267 of this book, and all pages inclusive, are a just, true and correct record of the proceedings of the Council of the Ninth Legislative Assembly of the Territory of Montana.

ASA BROWN,
President of the Council.

HARRY R. COMLY,
Chief Clerk.

OFFICE OF THE
SECRETARY OF MONTANA,
HELENA, Feb. 22, 1876. }

I, James E. Callaway, Secretary of the Territory of Montana, do hereby certify that the foregoing journal of the Council of the Ninth Legislative Assembly of said Territory is a full and correct copy of the original journal now in my office.

[SEAL.]

In testimony whereof, I have hereunto set my hand and affixed the seal of said Territory, this the day and year above written.

J. E. CALLAWAY,
Secretary.

Office of the
 Secretary of the
 American Medical Association
 535 North Dearborn Street
 Chicago, Ill.
 Dear Sir:
 I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours very truly,
 J. E. CALDWAY